



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

TUAIRISC OIFIGIÚIL—*Neamhcheartaithe*
(OFFICIAL REPORT—*Unrevised*)

Thursday, 29 June 2006.

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DÁIL ÉIREANN

—
Déardaoin, 29 Meitheamh 2006.
Thursday, 29 June 2006.
 —

Chuaigh an Ceann Comhairle i gceannas ar 10.30 a.m.

—
Paidir.
Prayer.
 —

Requests to move Adjournment of Dáil under Standing Order 31.

An Ceann Comhairle: Before coming to the Order of Business I propose to deal with a number of notices under Standing Order 31.

Mr. Connolly: I seek the adjournment of the Dáil under Standing Order 31 to raise a matter of national importance, namely, the chronic shortage of neurologists to serve the approximately 500,000 persons with disabling neurological conditions; Ireland's total of 16 neurologists, or one per 250,000 people, the lowest in Europe, in contrast to the European norm of one per 40,000; the necessity to increase the number of neurologists to 90 over the next ten years; the average two-year delay in seeing a neurologist for diagnosis and commencement of treatment; and call on the Government to provide a neurologist for every 100,000 persons, as an interim step towards attaining the European norm in ten years' time.

Mr. F. McGrath: Hear, hear.

Ms C. Murphy: I seek the adjournment of the Dáil under Standing Order 31 to raise a matter of national importance, namely, the continued delay in giving the go ahead for the purchase by Dublin Bus of 200 new buses. With traffic gridlock worsening daily, there is an urgent need to put measures in place to produce an immediate result. Bus-based transport can do that. I also raise the need for an immediate decision or an explanation of the reason this decision is being delayed.

Mr. F. McGrath: Hear, hear.

Aengus Ó Snodaigh: I seek the adjournment of the Dáil under Standing Order 31 to raise a matter of national importance, namely, the totally unacceptable arrival today in Dublin of *HMS Ocean*, one of the largest warships in the British Navy, and the hosting here of this warship, which

played a key role in Britain's illegal invasion of Iraq, and the presence on this island or in its ports, airports, seas and skies of any part of the British military apparatus while the British military occupation of the Six Counties and of Iraq continues, and the Government's shameful invitation to the warship to come here which is in gross violation of the principle of Irish neutrality.

Mr. F. McGrath: Warmongers.

Mr. Gogarty: I seek the adjournment of the Dáil under Standing Order 31 to raise a matter of national importance, namely, the need for the Government to commit to providing at least €1 billion in additional targeted funding in education in 2006, which will do much to provide a decent future for young people and their families, will provide new opportunities for those who missed out on education and will also save the State and ultimately the taxpayer from much harsher financial penalties down the line.

Mr. Healy: I seek the adjournment of the Dáil under Standing Order 31 to raise a matter of national importance, namely, the need for the Government to implement the terms of the 30 year old Kenny report on the price of building land in view of the fact that house prices rose by 270% in the past ten years and today's revelation that house prices in the first few months of this year have risen at three times last year's increases and to ask the Minister to make a statement on the matter.

Mr. F. McGrath: Hear, hear.

Mr. M. Higgins: I seek the adjournment of the Dáil under Standing Order 31 to raise a matter of national importance, namely, the urgent need for the Dáil to discuss the deteriorating situation in Gaza and the occupied West Bank, the unilateral actions that will result in civilian casualties and deaths, the arbitrary detention of elected legislators and members of government in the Palestinian territories and the need for such international intervention as will secure the safe release of hostages both military and civilian.

Mr. Crawford: I seek the adjournment of the Dáil under Standing Order 31 to raise a matter of national importance, namely, the recommendations of Teamwork Management Services which gives priority to improving critical care by centralising all level 3 care where patients need ventilation or other organ failure support at Our Lady of Lourdes Hospital, Drogheda, in the next three months. This may be in action before the Dáil resumes meaning that critical care will have been removed from Monaghan, Cavan, Navan and Dundalk on the word of an outside body which did not even consult the stakeholders. The House must not wash its hands of this issue and we must have the opportunity to hold the

[Mr. Crawford.]

Tánaiste and Minister for Health and Children responsible.

An Ceann Comhairle: Having considered the matters raised I do not consider them to be in order under Standing Order 31.

Order of Business.

The Tánaiste: It is proposed to take No. 14, motion re proposed approval by Dáil Éireann of Ireland's contribution to the International Development Association's multilateral debt relief initiative, back from committee; No. 15, motion re proposed approval by Dáil Éireann of Ireland's contribution to the International Development Association's 14th replenishment, back from committee; No. 20, Institutes of Technology Bill 2006 — Order for Report, Report and Final Stages; and No. 2, Hepatitis C Compensation Tribunal (Amendment) Bill 2006 — Order for Second Stage and Second Stage, to be taken not later than 12.30 p.m. today and the order shall not resume thereafter.

It is proposed, notwithstanding anything in Standing Orders, that the Dáil shall sit later than 4.45 p.m. today and business shall be interrupted not later than 8 p.m.; the sitting shall be suspended from 4.45 p.m. to 5.45 p.m.; Nos. 14 and 15 shall be decided without debate.

The Dáil shall sit tomorrow at 10.30 a.m. and shall adjourn not later than 4.30 p.m., there shall be no Order of Business, within the meaning of Standing Order 26, and accordingly, the following business shall be transacted: No. 2, Hepatitis C Compensation Tribunal (Amendment) Bill 2006 — Second Stage (resumed) and the proceedings on the Second Stage thereon shall, if not previously concluded, be brought to a conclusion at 3 p.m. on that day; Committee and Remaining Stages shall be taken immediately thereafter and the proceedings thereon shall, if not previously concluded, be brought to a conclusion at 4.30 p.m. by one question which shall be put from the Chair, and which shall in regard to amendments include only those set down or accepted by the Tánaiste and Minister for Health and Children.

An Ceann Comhairle: There are three proposals to put to the House. Is the proposal on the late sitting agreed? Agreed. Is the proposal for dealing with Nos. 14 and 15 without debate, motions re proposed approval by Dáil Éireann agreed? Agreed. Is the proposal on the sitting and business of the Dáil tomorrow agreed?

Caoimhghín Ó Caoláin: It is not agreed.

Mr. Kenny: The proposal is that the Dáil shall sit tomorrow to deal with the Hepatitis C Compensation Tribunal (Amendment) Bill 2006. What has transpired here is a massive political own goal of gargantuan proportions which shows absolute insensitivity by the Government in

respect of approximately 100 women in whose cases the virus may have been cleared but in whom the impact and effect of hepatitis may now just be becoming evident. These women were given to understand that the issue of compensation for medical care and insurance would be dealt with in their interests and that, specifically in the area of insurance, they would not lose benefits while this matter was being dealt with.

An Ceann Comhairle: The proposal before us is about tomorrow's sitting. We cannot go into detail on the content of the Bill.

Mr. Kenny: I thank the Ceann Comhairle. I am not going to make a speech on it, a Ceann Comhairle.

An Ceann Comhairle: The Deputy should only make a brief comment.

Mr. Kenny: This matter affects approximately 100 women who have to live with this every day. The Tánaiste has not even extended the courtesy to them of telling them that this would be included in sections 1, 2 and 6 of the Bill—

An Ceann Comhairle: The Deputy has made his point.

Mr. Kenny: —after negotiating with them for the past 18 months or so.

An Ceann Comhairle: We cannot discuss the contents of the Bill at this stage.

Mr. Kenny: This is disgraceful and insensitive treatment of a vulnerable and sensitive group and I do not think the Tánaiste should do this. I object to the House taking part in this.

Ms McManus: I oppose the taking of this Bill. I seek that the Government withdraws the Bill and comes back having excised the offending sections. This is a betrayal of a small, blighted minority who suffer sickness and stigma as a result of being poisoned by the State through contaminated blood products. That is what we are talking about here. It is a dishonest Bill because consultation took place with the four organisations which are affected and the understanding all the way along that process was that this Bill would be about insurance, because these people cannot get insurance except at a very high rate. That is what this Bill was supposed to be about.

An Ceann Comhairle: The Deputy should return to the proposal before us. We cannot debate the contents of the Bill.

Ms McManus: It is also discriminatory against young people who have suffered from the conditions that were caused by negligence on the part of the State. What the Tánaiste is doing is adding to that betrayal and bringing shame to this House

by introducing legislation that will take away rights and entitlements from a tiny group of approximately 100 people who are vulnerable. The Finlay report indicated that 74 people are involved. There is no excuse for what the Tánaiste is doing.

An Ceann Comhairle: We cannot discuss the contents of the Bill.

Ms McManus: I urge the Tánaiste, if the Government has not totally lost connection with the people——

Mr. Penrose: Withdraw it.

Ms McManus: ——and with the idea that there is such a thing as humanity when it comes to treating——

An Ceann Comhairle: The Deputy has made her point.

Ms McManus: I urge the Tánaiste to withdraw the Bill and make clear where she stands as many people still trust her and understand that she has some conception of what is happening here.

An Ceann Comhairle: The Deputy has made her point. I call Deputy Sargent.

Ms McManus: I will end on this point, a Cheann Comhairle. What is happening here is that people have been fooled and deceived, but more importantly, they will be denied rights that were hard fought for——

An Ceann Comhairle: The Deputy has made her point.

Ms McManus: ——and were granted to them by this House.

An Ceann Comhairle: There will be an opportunity to discuss these matters when the debate on the Bill takes place.

Ms McManus: I urge the Tánaiste not to bring shame on this House when dealing with such a tiny minority of people who have suffered so much.

An Ceann Comhairle: We cannot have a full debate until Second Stage. I invite Deputy Sargent to make a brief comment.

Mr. Sargent: On behalf of the Green Party, my colleague, Deputy Gormley, has met with the women and with a number of groups dealing with the situation in regard to haemophilia, including the Irish Haemophilia Society. The Government should take the opportunity today to reflect on the unwise way in which it is approaching this issue, given that it has been in discussions for nine years but has received clear information stating

that there will be a number of people, whether it be 40 on a database or 100, who will certainly be effectively discriminated against because of the proposed legislation.

Given that we are under pressure in terms of legislation in many areas I urge the Government not to proceed with the Bill and to go back to the original understanding that this would be stand-alone legislation dealing with the medical care and insurance issues, not a Bill to set up a compensation tribunal. As the Tánaiste is also Minister for Health and Children, I ask her to reflect on what is being said by all parties, as it is being put to us clearly by the women involved that this is a retrograde step and——

An Ceann Comhairle: The Deputy's contribution is more appropriate to a Second or Committee Stage debate.

Mr. Sargent: ——to delete sections 1, 2 and 6 would be acceptable. I ask that the Government would take the opportunity to amend the damage now.

An Ceann Comhairle: I invite Deputy Ó Caoláin to make a brief comment.

Caoimhghín Ó Caoláin: After years of campaigning and lobbying by the Irish Haemophilia Society, the Irish Kidney Association, Positive Action and Transfusion Positive, we find that representatives of these organisations had to come here yesterday, on the eve of the introduction of this Bill, to make representations and to appeal to Members of all parties to seek the withdrawal of this proposal. After all the years of hard work and co-operation by these groups we find a proposal coming before this House today and tomorrow, to be guillotined tomorrow evening, that will impose conditions on them with such a deleterious effect on their interests. Albeit a small number, where there is one, it is one too many.

The reality is that it is in the gift of the Tánaiste to withdraw the offending sections to ensure this Bill lives up to the rightful expectation of those who have campaigned so long and so hard. I join with colleagues in appealing to the Tánaiste to withdraw this Bill now and to guarantee to this House that she will present a Bill that is truly reflective of the needs of all who should be encompassed within its measures. I ask the Tánaiste to take the opportunity to do so now and not to follow in the footsteps of a former Minister for Health——

An Ceann Comhairle: The Deputy has made his point.

Caoimhghín Ó Caoláin: ——whose shameful disposition towards these victims of State neglect was always to be his epitaph.

The Tánaiste: What the Opposition has said is totally and utterly untrue. As Deputy Kenny well knows, there is no question whatever of withdrawing anything from the 70 or 100 women. It is a fact that Positive Action and the liver consultants, as part of the expert group on hepatitis C, agreed that the basis on which a health card should be given should be the ELISA test. That was agreed by the representatives of Positive Action and the liver experts in this country. That has been accepted for some time. That is the basis on which we are going to proceed with the insurance and with the compensation. We will have a single, internationally accepted scientific test.

When a Bill was proposed on behalf of the groups ten years ago, the senior counsel who drafted that Bill, Mr. John Rogers, proposed at that time that the ELISA test should be used and it was not accepted then because it was not as developed as it is today. I do not want the Opposition playing politics with something.

Caoimhghín Ó Caoláin: We are not playing politics.

The Tánaiste: It is not a fact——

Mr. Durkan: In that case, why are the women concerned?

An Ceann Comhairle: The Tánaiste should be allowed to speak without interruption.

The Tánaiste: Nothing is being withdrawn from anybody. On the contrary, insurance is being extended to these people who suffered so much——

Caoimhghín Ó Caoláin: Not all of them.

The Tánaiste: ——as a result of the administration of blood products in this State in the 1970s and 1990s.

Ms Lynch: The Tánaiste is being misled.

The Tánaiste: That is a fact.

An Ceann Comhairle: The Tánaiste should be allowed to speak without interruption.

Mr. Sargent: The Tánaiste should listen to the people who are suffering.

The Tánaiste: I have listened to the people who are suffering.

An Ceann Comhairle: The Tánaiste should be allowed to speak without interruption.

The Tánaiste: As everybody knows, no person who has made an application to the tribunal where it may have not been determined yet, or who has taken action in the courts where it may not have been determined yet, is affected by anything that is happening here. Nor would I stand over anyone being so affected. The Government seeks to introduce a comprehensive insurance scheme for life assurance, mortgage protection and travel insurance.

Ms Lynch: The Government is doing more than that.

The Tánaiste: If the relationship began post-diagnosis, consortia can be lost and that should be compensated for. If a second or third relationship is in question, it is not reasonable that the loss of consortia be provided for.

Caoimhghín Ó Caoláin: What of consortia for children who are born into this situation? The Tánaiste is not providing for them.

An Ceann Comhairle: Deputy Ó Caoláin will have an opportunity to speak on the Bill.

The Tánaiste: We provide for loss of earnings, for distress, for partners or people in relationships and for loss of consortia where it has been established after the relationship began. That is not challenged.

Ms Lynch: We are being misled.

The Tánaiste: Most people would agree it is not reasonable to expect further compensation, if one is in a second or third relationship, having already been compensated for consortia.

Question put: “That the proposal for dealing with Friday’s sitting be agreed to.”

The Dáil divided: Tá, 61; Níl, 57.

Tá

Andrews, Barry.
Ardagh, Seán.
Blaney, Niall.
Brady, Martin.
Brennan, Seamus.
Callanan, Joe.
Callely, Ivor.
Carey, Pat.
Cooper-Flynn, Beverley.
Cowen, Brian.
Cullen, Martin.
Curran, John.

Dempsey, Noel.
Dennehy, John.
Devins, Jimmy.
Ellis, John.
Fahey, Frank.
Finneran, Michael.
Fleming, Seán.
Gallagher, Pat The Cope.
Glennon, Jim.
Grealish, Noel.
Harney, Mary.
Haughey, Seán.

Tá—continued

Healy-Rae, Jackie.
 Hoctor, Máire.
 Keaveney, Cecilia.
 Kelleher, Billy.
 Kelly, Peter.
 Killeen, Tony.
 Kirk, Seamus.
 Kitt, Tom.
 Lenihan, Brian.
 Lenihan, Conor.
 McEllistrim, Thomas.
 McGuinness, John.
 Moloney, John.
 Moynihan, Donal.
 Moynihan, Michael.
 Mulcahy, Michael.
 Nolan, M.J.
 Ó Cuív, Éamon.
 Ó Fearghaíl, Seán.

O'Connor, Charlie.
 O'Dea, Willie.
 O'Donnell, Liz.
 O'Flynn, Noel.
 O'Keeffe, Batt.
 O'Keeffe, Ned.
 O'Malley, Fiona.
 O'Malley, Tim.
 Parlon, Tom.
 Power, Peter.
 Power, Seán.
 Sexton, Mae.
 Smith, Michael.
 Wallace, Dan.
 Wallace, Mary.
 Walsh, Joe.
 Wilkinson, Ollie.
 Woods, Michael.

Níl

Allen, Bernard.
 Breen, James.
 Breen, Pat.
 Broughan, Thomas P.
 Bruton, Richard.
 Burton, Joan.
 Connolly, Paudge.
 Costello, Joe.
 Crawford, Seymour.
 Cuffe, Ciarán.
 Deasy, John.
 Deenihan, Jimmy.
 Durkan, Bernard J.
 English, Damien.
 Enright, Olwyn.
 Ferris, Martin.
 Gilmore, Eamon.
 Gogarty, Paul.
 Gormley, John.
 Hayes, Tom.
 Healy, Seamus.
 Higgins, Joe.
 Higgins, Michael D.
 Howlin, Brendan.
 Kenny, Enda.
 Lynch, Kathleen.
 McCormack, Pádraic.
 McEntee, Shane.
 McGinley, Dinny.

McGrath, Finian.
 McGrath, Paul.
 McHugh, Paddy.
 McManus, Liz.
 Mitchell, Olivia.
 Morgan, Arthur.
 Murphy, Catherine.
 Murphy, Gerard.
 Neville, Dan.
 Noonan, Michael.
 Ó Caoláin, Caoimhghín.
 Ó Snodaigh, Aengus.
 O'Dowd, Fergus.
 O'Shea, Brian.
 O'Sullivan, Jan.
 Pattison, Seamus.
 Penrose, Willie.
 Perry, John.
 Quinn, Ruairí.
 Rabbitte, Pat.
 Ryan, Eamon.
 Ryan, Seán.
 Sargent, Trevor.
 Sherlock, Joe.
 Shortall, Róisín.
 Stagg, Emmet.
 Stanton, David.
 Twomey, Liam.

Tellers: Tá, Deputies Kitt and Kelleher; Níl, Deputies Neville and Stagg.

Question declared carried.

Mr. Kenny: Yesterday the Taoiseach wrote to me in respect of the numbers of persons who were charged under section 1(1) and section 2(1) of the 1935 Criminal Law Amendment Act. That followed on repeated requests, on seven different occasions, for the information, which really only came to light when myself and Deputy Rabbitte sent a joint letter to the Director of Public Prosecutions. Does the Tánaiste know when the Government sought that information or when it was made available to it?

The Taoiseach commented yesterday on proposals to give speaking rights to Westminster MPs elected in Northern Ireland. He blamed the Opposition parties for not endorsing a deal he did

with Sinn Féin and claimed that an all-party Committee on the Constitution had agreed these proposals. Will the Tánaiste confirm, as leader of the Progressive Democrats and as Tánaiste—

An Ceann Comhairle: That does not arise on the Order of Business.

Mr. F. McGrath: It should do.

Mr. Kenny: —that her party rejected the Taoiseach's proposal. It was clear that the all-party recommendations were predicated on cross-community participation which is not possible at present.

An Ceann Comhairle: That does not arise on the Order of Business. The Deputy will have to find another way of raising the matter.

Mr. Kenny: When is it expected that the defamation Bill will be published?

The Tánaiste: With regard to the Deputy's first question, I understand the information was sought at the beginning of June from the Office of the Director of Public Prosecutions and some information was made available at that time. The definitive information the Taoiseach used yesterday was made available on Tuesday of this week.

The defamation Bill will be published in this session. The Government hopes to deal with it within the next fortnight.

Mr. Rabbitte: I have been raising for some time with the Taoiseach the question of a number of reports it appears the Government has deliberately contrived not to publish before the Dáil goes into recess to avoid a debate on them.

What is the problem with publishing the Dalton report, which the Minister has had in his possession since 5 April? What conceivable reason could there be for the delay, given the promises that were made that it would take two or three weeks to allow parties to have sight of the report as it affects them? There is still no sign of the report although journalists have it in part.

An Ceann Comhairle: The matter has already been raised this week and dealt with, so I ask the Deputy to be brief.

Mr. Rabbitte: The shooting of Mr. John Carthy happened in 2000, the Barr tribunal hearings in 2004 and still the report has not been published. It was due to go to the printers, according to the tribunal, five weeks ago. In any event, it is not credible in 2006 that a delay with the printer is the reason the report has not been laid before the House. The O'Sullivan report into the statutory rape affair and what went wrong in the Office of the Attorney General was promised within weeks but again the Government will contrive to publish it as soon as the House rises. There will be no opportunity to debate it, although we now know that a note was sent for the attention of the Attorney General. Whether he ever set eyes upon it, we do not know. However, we know that it exists and that it went up the line to him. Similarly, three reports have been held up in the case of the Morris tribunal. Regarding the Tánaiste's remit as Minister for Health and Children, last October she promised to publish the report on the Pat Joe Walsh case within eight weeks. It is now June.

I am afraid it suggests a deliberate Government plan to keep such reports under covers until the House has risen. It shows disrespect to the House and to democracy and fails to indicate the due regard in which such publications ought to be held.

The Tánaiste: The fact is that, due to the principle of natural justice, any report drawing adverse conclusions regarding individuals who

can be identified, even if not named, must be issued to them to allow them an opportunity to respond. That is the opinion of the Attorney General and has been the relevant legal advice for many years. In that context, the Dalton report has not yet been published, but I understand the Minister intends to bring it to the Cabinet next Tuesday. The Barr report is not yet with the Government, but we expect it tomorrow. The intention is to publish it as quickly as possible. I do not know when the O'Sullivan report is expected, but it will be within a matter of weeks.

I had hoped we might have had the report on the late Pat Joe Walsh in eight weeks. However, in the first instance, we had to go outside this jurisdiction to find people to carry out the inquiry. They have now completed their work and the draft conclusions have been sent to those in respect of whom the findings were adverse for a response. I very much regret that parts of the report appear to have been leaked today, since it has never been submitted to the Department of Health and Children and I have not seen it. It appears to have been leaked to a journalist in a prominent newspaper this morning, and I know it has caused great upset to the family of the deceased to whom we spoke last night. They have been kept fully informed at each stage of writing the report. We certainly hope the legal process can be concluded quickly.

I do not know the position on the Morris tribunal. As the Deputy is aware, several tribunals are ongoing in the State, and much as we would wish to see them conclude more quickly, the process sometimes takes longer than anticipated. However, that is a matter for the tribunal and not something the Government or Oireachtas can influence.

Mr. Sargent: On the subject of legislation that has been promised but not published, with one week remaining, will the Government reconsider the priority given to the various Bills it proposes to enact before the recess? The Building Societies (Amendment) Bill 2006, for example, strikes me as not being as urgent as the citizens' information legislation the Minister must pass to address advocacy for those with disabilities. Is the Government reflecting on priorities and can it state why it would choose the Building Societies (Amendment) Bill 2006 over that dealing with disabilities and citizens' information? I view the Building Societies (Amendment) Bill 2006 as benefitting one building society and several very high-up people in it.

An Ceann Comhairle: The Deputy has made his point.

The Tánaiste: Obviously, Ministers will have different priorities, depending on their area of responsibility. Each decides what the priorities are. However, I understand that the Whips agreed to take that Bill next week.

Ms O. Mitchell: The legislation governing any sale of Aer Lingus requires that a motion first come before the Dáil for discussion and approval outlining the general principles that will underpin its circumstances. Since the sale is planned for September, will the Tánaiste state when that motion will come before the Dáil?

The Tánaiste: It will be next week.

Mr. Sherlock: When will the eligibility for health and personal social services Bill be brought before the House?

The Tánaiste: We are working hard on that at the Department of Health and Children, and I hope to bring the heads of the Bill to the Government in the autumn, meaning that the full Bill will be next year.

Caoimhghín Ó Caoláin: While accepting the vote that has already taken place, it is still within the Tánaiste's gift regarding the promised Hepatitis C Compensation Tribunal (Amendment) Bill—

An Ceann Comhairle: The Deputy cannot raise that matter again.

Caoimhghín Ó Caoláin: I appeal to the Tánaiste at this late stage before the commencement of the first debate—

An Ceann Comhairle: That matter has already been discussed and the House has decided on it.

Caoimhghín Ó Caoláin: That is true, but as promised legislation—

An Ceann Comhairle: I call Deputy Jim O'Keeffe.

Caoimhghín Ó Caoláin: I am not finished; I have a second question. The Tánaiste still has time to intervene, and that is permissible.

An Ceann Comhairle: The Deputy is finished now, since I am calling Deputy Jim O'Keeffe.

Caoimhghín Ó Caoláin: The Tánaiste can still—

An Ceann Comhairle: I will call the Deputy again on his other question. I call Deputy Jim O'Keeffe.

Caoimhghín Ó Caoláin: No. On the second question—

An Ceann Comhairle: I will call the Deputy again on his second question. I have already called Deputy Jim O'Keeffe. We must have order.

Caoimhghín Ó Caoláin: Why should my contribution be broken?

An Ceann Comhairle: That is the procedure I have followed in the Chair for the past ten years.

Caoimhghín Ó Caoláin: Only regarding specific Deputies in this House.

An Ceann Comhairle: I will call the Deputy again on his second question. I call Deputy Jim O'Keeffe.

Caoimhghín Ó Caoláin: I assure the Ceann Comhairle that this will not go unnoticed.

Mr. J. O'Keeffe: In the context of immigration legislation, perhaps I might raise with the Tánaiste the failure on the part of the Minister for Justice, Equality and Law reform to provide information on the number of non-national prisoners released from prison whom he did or did not consider for deportation after their release. A new Bill has been promised, and I would like to raise the difficulty under present legislation whereby the Minister has either refused or failed to disclose information I have requested in the Dáil on six occasions in the past two months.

I know that the Tánaiste has had difficulty with the same Minister. Getting information from him is like trying to extract teeth from a hen.

An Ceann Comhairle: I call the Tánaiste on the legislation.

Mr. J. O'Keeffe: Does the Tánaiste have any control over that Minister? Does she not accept that he has an obligation to the Dáil to provide information requested in Dáil questions? Some six times, he has failed to do so.

An Ceann Comhairle: That does not arise on the Order of Business. I call the Tánaiste.

Mr. J. O'Keeffe: Returning to the legislation and the rules, is the Tánaiste aware there is an Immigration Bill, No. 70 on the Order Paper? Will there be a provision to require the Minister to comply with his duty to the Dáil to give information when a Deputy requests it?

An Ceann Comhairle: I ask the Deputy to desist.

The Tánaiste: That legislation is planned for later this year. The Minister is considering extraditing to Ireland the persons responsible for the incident with Deputy Kenny in Kenya, so he may have to rethink the legislation to deal with that.

Mr. M. Higgins: Cathain a bheidh an reachtaíocht i leith fheidhmeanna agus chumhachtaí Údarás na Gaeltachta ag teacht os comhair an Tí? What is the current position of the Bill promised for 2007 dealing with the powers and functions of Údarás na Gaeltachta? Have the heads of the Bill come before the Cabinet?

[Mr. M. Higgins.]

Have the heads of national monuments legislation come before the Cabinet, and will we see it within the lifetime of the present Dáil?

The Tánaiste: I understand that the heads of the Bill in both cases are expected later this year.

Mr. J. Higgins: The country is still reeling from the terrifying image of the Minister for Justice, Equality and Law Reform, Deputy McDowell, brandishing a poker as a callow youth.

An Ceann Comhairle: That does not arise on the Order of Business.

Mr. J. Higgins: I thought he might have used a silver spoon instead. Since he was apparently trying to protect what he regarded as his, was any poker brandished during his recent duels with the Tánaiste? Would she like to share that with us?

An Ceann Comhairle: Has the Deputy a question appropriate to the Order of Business?

Mr. J. Higgins: I would like a very specific answer from the Tánaiste regarding the matter raised by Deputy Rabbitte. Next Thursday, 6 July, Bord na gCon is scheduled to appear before the Committee of Public Accounts.

An Ceann Comhairle: Has the Deputy a question appropriate to the Order of Business?

Mr. J. Higgins: This is appropriate to the Order of Business.

An Ceann Comhairle: Then we will hear it.

Mr. J. Higgins: The point is that the Dalton report would have been in our hands. Will we have that report for the meeting of the Committee of Public Accounts next Thursday? The Tánaiste has a special insight into this. It was reported in today's newspapers that GAMA Construction will receive an additional payment of €15 million to finish off the Ennis bypass, €6 million of which curiously comes under some labour laws heading.

An Ceann Comhairle: This matter does not arise on the Order of Business.

Mr. J. Higgins: Is GAMA now being rewarded on foot of using slave labour?

An Ceann Comhairle: The Deputy must find other ways of raising this matter.

Mr. J. Higgins: GAMA had to pay the full rate out of this amount. Is it now being compensated for the additional money it had to pay out?

An Ceann Comhairle: The Deputy must allow the Tánaiste to answer his question.

Mr. J. Higgins: Is this what is going on in this State?

The Tánaiste: The Government hopes to consider the Dalton report next Tuesday. If this is the case, I imagine that the report will be published on either Tuesday or Wednesday so Deputies will obtain copies of it if this happens.

Mr. J. Higgins: What about GAMA?

The Tánaiste: There is no legislation promised.

Mr. McCormack: In view of the deterioration in the health services and the fact that 60 beds have been closed at University College Hospital in Galway, will the Tánaiste tell us when the Health Bill will come before the Dáil?

The Tánaiste: The Bill will come before the Dáil later this year.

Mr. McCormack: How much later will it be?

Ms Lynch: In respect of the Hepatitis C Compensation Tribunal (Amendment) Bill 2006—

An Ceann Comhairle: That issue does not arise on the Order of Business.

Ms Lynch: My question is very specific. Is it normal that a Bill is published without an explanatory memorandum because this is what has happened in the case of this Bill? Is it proposed to circulate an explanatory memorandum?

An Ceann Comhairle: I ask Deputy Lynch to allow the Tánaiste to answer the question.

The Tánaiste: I understand this Bill is accompanied by an exploratory memorandum.

Ms Lynch: That is not the case.

The Tánaiste: I will check this matter and come back to the Deputy on it.

Ms Lynch: Under the relevant Standing Orders, is it legitimate to bring this Bill before the Dáil if it does not have an explanatory memorandum? I am not as familiar with Standing Orders as is the Ceann Comhairle.

An Ceann Comhairle: Under Standing Orders, it is legitimate to bring the Bill before the House.

Caoimhghín Ó Caoláin: What does the Tánaiste intend to do in respect of the Carey report into the tragic death of Pat Joe Walsh, to which she referred earlier, following the leaking of this report? The front page of today's edition of *The Irish Times* carries the banner headline "Patient death inquiry finds hospital practice at fault". Is it the case that there will be a drip feed of the information contained in the report or does the Tánaiste intend to publish it?

An Ceann Comhairle: This report has already been discussed. I ask Deputy Ó Caoláin to allow the Tánaiste to reply.

Caoimhghín Ó Caoláin: Will the report be brought before the Cabinet? What is the situation regarding the family of Mr. Walsh? It is unacceptable that his family is completely at a remove from all deliberations on this matter. It is not enough for the Tánaiste to say this morning that she regrets it.

An Ceann Comhairle: Deputy Ó Caoláin cannot have a debate on this matter.

Caoimhghín Ó Caoláin: I am not seeking a debate. I am merely asking questions.

An Ceann Comhairle: Deputy Ó Caoláin is not asking questions; he is making a statement.

Caoimhghín Ó Caoláin: What does the Tánaiste intend to do about this report? Most worryingly of all, does she not note that at the very least, the extract from the report referred to clearly seeks to scapegoat rather than assign responsibility where it properly belongs, namely, the policy the Tánaiste and her Government has pursued in respect of the health services.

An Ceann Comhairle: We will not debate this newspaper report.

The Tánaiste: I do not have the report and I have never had the report. I have not seen the report; it is not in the Department of Health and Children.

Caoimhghín Ó Caoláin: Will the Tánaiste look for the report, because we can read it in the newspapers?

An Ceann Comhairle: I ask Deputy Ó Caoláin to allow the Tánaiste to continue.

The Tánaiste: As I stated earlier, it is part of a legal process which I am unable to influence. However, I understand that the Health Service Executive wishes to publish the report as quickly as possible. I, along with the executive and my Department, have been in contact with the family of Mr. Walsh in respect of this matter in recent months, including last night.

Caoimhghín Ó Caoláin: Will the Tánaiste address the leaking of extracts from the report?

An Ceann Comhairle: I ask Deputy Ó Caoláin to allow the Tánaiste to continue.

The Tánaiste: I wish I could, because such leaks do not help Mr. Walsh's family.

Caoimhghín Ó Caoláin: She should do something about it.

Mr. Durkan: The Single Electricity Market Bill was promised in this session. Will the Tánaiste indicate on which of the remaining days in this session it is intended to publish this Bill? Given that a few days ago, the Minister for Communications, Marine and Natural Resources launched a new geological map of Ireland, could she tell us whether it is intended to reinstate the Geological Survey of Ireland Bill, previous legislation in respect of which goes back to 1845 and is due for an update?

The Tánaiste: The answer to Deputy Durkan's second question is "No". The Single Electricity Market Bill is due to come before the Cabinet within the next month.

Mr. Durkan: Is it not proposed to introduce the Geological Survey of Ireland Bill? Legislation in this area dates back to 1845.

Mr. O'Shea: Will sections 55 to 72 of the Local Government Act 2001 be enacted within the lifetime of this Government? These sections deal with the setting up of an independent commission to deal with applications from local authorities in respect of boundary extensions. This obviously affects my area because Waterford city urgently requires a boundary extension.

The Tánaiste: Unfortunately, I do not know the answer to this question but I will ask the Minister for the Environment, Heritage and Local Government to contact Deputy O'Shea.

Mr. Eamon Ryan: The Government's draft social partnership agreement includes a commitment that a consultation paper on the review of the climate change strategy will be published in June 2006. When does the Tánaiste expect this consultation paper to be published and will she outline the purpose of a consultation paper on a review process?

The Tánaiste: I do not know when this consultation paper will be published.

Mr. Crawford: I too am angry at the leaking of the report into the death of Pat Joe Walsh. Will the Tánaiste make every effort to ensure that the family of Mr. Walsh receives the report as soon as possible?

In light of the fact that credit unions must now invest massive sums of their money in international organisations because of laws that prevent them from giving money to their members on a long-term basis, can the Tánaiste tell us when the Financial Services Modernisation and Consolidation Bill will be put before the House? Can the Minister for Finance change the regulations without bringing a Bill before this House?

Will the Tánaiste become actively involved in the decisions regarding which services will be removed or suspended in Mullingar Hospital? The Tánaiste has a role to play. She represents us

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when it comes to the funding of the health services.

An Ceann Comhairle: Deputy Crawford's second question is in order.

The Tánaiste: The Bill will be brought before the Dáil next year.

Mr. Rabbitte: In respect of the matter raised by Deputy Lynch, which concerned the non-appearance of an explanatory memorandum for the Hepatitis C Compensation Tribunal (Amendment) Bill 2006, is it reasonable to anticipate that the circumstances of a group of less than 100 people who do not have the hepatitis C virus but suffer symptoms of the disease would have come to the attention of all Members of the House and outside if the explanatory memorandum had been distributed? The Tánaiste may well be getting——

An Ceann Comhairle: This point might be better made on Second Stage of the Bill. We cannot have a debate on it now. It is not appropriate to the Order of Business.

Mr. Rabbitte: I fear that the Tánaiste may be getting a bum steer on this matter. The number of people affected is less than 100.

An Ceann Comhairle: We will not go down this route again.

The Tánaiste: I assure Deputy Rabbitte that these people are not adversely affected by this legislation.

Ms Lynch: They are.

The Tánaiste: Deputy Lynch knows that they are not adversely affected.

Mr. Rabbitte: I welcome the Tánaiste's assurance if it——

An Ceann Comhairle: We will not have a debate on this matter. The Chair has called Deputy Rabbitte a second time in good faith. On a number of occasions, Deputy Rabbitte has totally ignored Standing Orders on the Order of Business when he has been called a second time. I ask him to allow Deputy O'Dowd to speak.

Mr. Rabbitte: I welcome the Tánaiste's assurance. I hope it turns out to be so.

An Ceann Comhairle: If that is the case, I ask Deputy Rabbitte to resume his seat and allow Deputy O'Dowd to speak.

Mr. Rabbitte: However, we have received legal advice to the contrary.

Mr. O'Dowd: Given that the report by Professor Des O'Neill on Leas Cross Nursing Home has not yet been published, the fact that it is almost one year since Professor O'Neill's investigation into the 95 deaths at the nursing home and the lack of legislation aimed at vindicating the rights of elderly people in nursing homes, can the Tánaiste tell us when Professor O'Neill's report will be published? Will she insist that it be brought before the Dáil because it should be debated here when it is published? Can she give such a commitment? When does she propose to vindicate the rights of people in nursing homes who are not legally protected as we speak? I receive continuing complaints about people dying in appalling circumstances. These people are not being protected by this Government or legislation.

An Ceann Comhairle: I ask Deputy O'Dowd to resume his seat and allow the Tánaiste to speak.

The Tánaiste: I have raised the O'Neill report with the Health Service Executive and will discuss the matter with Professor Brendan Drumm today. If adverse conclusions are drawn from the O'Neill report, our Constitution provides entitlements under natural justice, which I believe everyone would regard as reasonable.

The Social Services Inspectorate will be part of the Health Information and Quality Authority legislation, which will appear later this year. I agree with Deputy O'Dowd that Professor O'Neill's report should be published.

Mr. O'Dowd: Will the report be published?

The Tánaiste: Of course, the report should be published.

Mr. Cuffe: As a foreign warship lies anchored in Dublin Bay——

An Ceann Comhairle: That matter does not arise on the Order of Business.

(Interruptions).

Mr. Cuffe: Will promised legislation, that is, the comprehensive nuclear test ban treaty Bill, be published before the end of this session?

The Tánaiste: It will be in this session.

Multilateral Debt Relief: Motions.

Minister for Finance (Mr. Cowen): I move:

That Dáil Éireann approves, in accordance with Article 29.5.2° of Bunreacht na hÉireann, Ireland's contribution of €58,640,000 to the International Development Association's multilateral debt relief initiative, to be paid at a time and in a manner as the Minister for Finance may determine.

Question put and agreed to.

Mr. Cowen: I move:

That Dáil Éireann approves, in accordance with Article 29.5.2° of Bunreacht na hÉireann, Ireland's contribution of €70,000,000 to the International Development Association's 14th replenishment, payable at a time and in a manner as agreed by the Minister for Finance with the International Development Association.

Question put and agreed to.

Institutes of Technology Bill 2006: Order for Report Stage.

Minister for Social and Family Affairs (Mr. Brennan): I move: "That Report Stage be taken now."

Question put and agreed to.

Institutes of Technology Bill 2006: Report Stage.

An Leas-Cheann Comhairle: Amendments Nos. 1 to 4, inclusive, are related and will be discussed together.

Minister of State at the Department of Education and Science (Mr. B. Lenihan): I move amendment No. 1:

In page 5, line 20, to delete "This Act" and substitute "Subject to *subsection (3)*, this Act".

This issue was discussed on Committee Stage when the Minister indicated that she was prepared to introduce appropriate amendments on Report Stage.

Amendments Nos. 1 to 4 have the effect of ensuring that all sections of the Bill will take effect within one year of enactment. The Minister hopes that such can take place sooner, in all probability towards the end of this year. I do not propose to accept the other amendments, as the Minister's amendment covers the point and issue.

Ms Enright: I will happily withdraw amendment No. 3 in light of amendment No. 4 tabled by the Minister of State. On Committee Stage, I made the point that it is important to have timeframes to ensure this legislation is implemented without any unnecessary delay. I welcome the amendment tabled.

Mr. Gogarty: I will also happily withdraw my amendment, given that the Minister made a similar commitment on Committee Stage. I had hoped that she would reiterate it in the House, but the Minister of State, Deputy Brian Lenihan, has done so.

Amendment agreed to.

Amendments Nos. 2 and 3 not moved.

Mr. B. Lenihan: I move amendment No. 4:

In page 5, between lines 23 and 24, to insert the following:

"(3) If, immediately before the expiration of the period of one year from the date of passing of this Act, this Act has not been commenced by an order under this section or any provision or provisions thereof remains or remain to be commenced by such an order (including as respects a particular purpose), this Act or the said provision or provisions shall come into operation (or, in the case of such provision or provisions that remains or remain to be commenced for a particular purpose, shall come into operation for that purpose) upon the expiration of the said period."

Amendment agreed to.

An Leas-Cheann Comhairle: Amendments Nos. 5, 6, 10 to 16, inclusive, 23 to 26, inclusive, 30 to 36, inclusive, 38 to 50, inclusive, and 53 are cognate and will be discussed together.

Ms Enright: I move amendment No. 5:

In page 9, line 1, to delete "Director" and substitute "President".

While the Minister tabled an amendment on Committee Stage to the effect that discussion with the Minister will be allowed to decide on a title, such a provision might be too flexible. The Minister will have discretion, but I would not like a system to develop whereby people could have any title they wished.

A number of institutes have requested that the title of president be used because the title of director abroad, especially in the United States, is usually that of a head of a department, normally a research department, rather than the overall head of the institute. To have proper international recognition of institutes of technology, the title of president is more readily recognisable abroad. For that reason, I have tabled this amendment.

It may be important to have a degree of flexibility because there may be institutes that wish to retain the title of director, but it would be preferable for all institutes to operate on a similar basis and with similar titles. As such, when we compete internationally, the role of the president of an institute of technology is immediately apparent.

Mr. B. Lenihan: As the Deputy indicated, the Minister tabled a Committee Stage amendment, the purpose of which was to permit the governing body of an institute, with the approval of the Minister, to call the chief officer of that institute by a title other than director. In fact, the amendment tabled by the Minister gives greater flexibility to institutes than the Deputy's amendment. Under the former, an institute could seek approval not only to have a president but also a dean, provost, seneschal or many other types of description, subject to the approval of the Mini-

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ster. On that basis, I do not propose to accept the amendments tabled by Deputy Enright.

Ms Enright: I do not know whether the Minister of State fully understood my point. I welcome flexibility, but there should not be too much of it within the system, that is, Carlow IT with a dean, Tralee IT with a provost and another institute with something else. Such would not be a good idea. While a change of title is subject to ministerial approval and, therefore, may be unlikely to happen, it would be better to have consistency across the institutes. This situation does not often occur in the university sector, but it does to a greater extent in the institute of technology sector.

Amendment, by leave, withdrawn.

Amendments Nos. 6 and 7 not moved.

An Leas-Cheann Comhairle: Amendments Nos. 8 and 54 and Nos. 9 and 55 are cognate. Amendments Nos. 8, 9, 54 and 55 are related and will be discussed together.

Ms Enright: I move amendment No. 8:

In page 9, line 48, after “by” to insert “persons who have disabilities.”

I welcome that the Minister of State will table an amendment broadly similar to mine. Last year, a head of an institute published a report on participation in services for students with disabilities in institutes of technology. The study was conducted in 14 of the 15 institutes between 2004 and 2005. Unfortunately, its results leave much to be desired in terms of the number of students with disabilities in institutes of technology. In the 14 institutes, only 1,366 graduates had disabilities. In total, this figure represented 2.76% of the undergraduate population.

There was a quite a degree of variation. At the Institute of Technology Tralee, the figure was 5.5%, but in Cork IT the figure was only 0.5%. The institutes need to place a greater emphasis on persons with disabilities. Likewise, only three institutes employed a disability officer, which was a part-time position in one of those institutes. Six institutes carried out access audits while a seventh was beginning that process. Regarding accessibility to buildings, only in five institutes were all buildings accessible to students with disabilities. This shows the need for a greater emphasis on this matter.

As universities have been under the Higher Education Authority, they have had a natural advantage in that they were, on average, getting between €500,000 and €1 million in funding ring-fenced for disability initiatives whereas the institutes' average was approximately €50,000. Hopefully, putting the institutes under the HEA will address that issue.

Ms O’Sullivan: As I did on Committee Stage, I support the amendments tabled by Fine Gael and the Minister of State. Deputy Enright has outlined the problems for students with disabilities in institutes of technology and the variations therein. It is important that this principle is being put on a statutory basis because it will strengthen the ability of institutes to attract resources to provide for students with disabilities. Therefore, the amendment is welcome.

Mr. B. Lenihan: There is no disagreement between Deputy Enright and I on this issue and I thank her for tabling an amendment to highlight the need to enshrine in legislation the principle of access to education in institutes for persons with disabilities.

Ms Enright: I will withdraw my amendment in light of the Minister of State’s amendment.

Amendment, by leave, withdrawn.

Mr. B. Lenihan: I move amendment No. 9:

In page 9, to delete line 49 and substitute the following:

“disadvantaged persons, by persons who have a disability and by persons”.

Amendment agreed to.

Amendments Nos. 10 to 16, inclusive, not moved.

An Leas-Cheann Comhairle: Amendments Nos. 17 to 21, inclusive, and amendments Nos. 56 to 60, inclusive, are related. Amendment No. 22 deals with the same part of the Bill as amendment No. 21, and amendments Nos. 17 to 22, inclusive, and amendments Nos. 56 to 50, inclusive, will be discussed together.

Ms O’Sullivan: I move amendment No. 17:

In page 11, line 29, after “conditions” to insert the following:

“(including conditions providing for the tenure of members of the academic staff)”.

This amendment concerns security of tenure for staff in institutes of technology. By the introduction of this Bill the rights of lecturers and academic staff in institutes of technology will be inferior to those of similar staff in universities. There is a concern that this will make a distinction between people in universities and those in institutes of technology who have virtually identical roles.

There is also a concern that it could erode academic freedom because it will make it easier to sideline somebody who speaks out in disagreement with the ruling authorities in their institutions, leading to the loss of their position. I acknowledge that there is a commitment to academic freedom in the legislation but it will not

have any teeth if somebody can be moved aside in this way. A number of Members spoke on Committee Stage on this issue. It was highlighted that with the growing trend toward private funding for third level institutions there was a danger, as has happened in other jurisdictions, that somebody might be muzzled for speaking out against a product made by a funder of a particular institution.

There is a fear that this would curtail the ability of academics to speak out. We rely on academics who have a great level of expertise in certain areas. It is important not to dilute their ability to publicly express opinions that might run contrary to the general opinion, either in their own institution or in society. When the Minister spoke on Committee Stage I acknowledged that there might well be people not doing what they should be doing in their jobs and there must be ways to address that, but this Bill has a wider scope and has the potential to create problems. It creates a particularly difficulty in that it abolishes the former sworn inquiry system and replaces it with a system which does not exist in universities. As both will be under the Higher Education Authority both should operate under similar conditions.

Mr. B. Lenihan: Deputy O'Sullivan raises interesting questions on tenure and academic freedom. The issues relating to tenure which are the subject of the amendments tabled by the Deputy were discussed on Committee Stage. It is not entirely clear what is meant by the expression "tenure" in this particular context. I will declare an interest in that I was once a lecturer in a university and my understanding is that tenure relates to the degree of permanence a person has in his or her position, and to the famous chair on which members of staff can prop themselves up on occasion. The amendments tabled by Deputy O'Sullivan relate to rights of appeal and those on tenure relate to academic freedom. However, section 7 of the Bill inserts a new section 5A(1) which specifically deals with the question of academic freedom, providing as it does that a college, in performing its functions, shall have the right and responsibility to preserve and promote the traditional principles of academic freedom in the conduct of its internal and external affairs. That has been formulated not just as a right of a college but as a responsibility.

Section 5A provides that a member of the academic staff of a college, irrespective of what tenure they have, be it occasional or permanent, shall have the freedom, within the law, in his or her teaching, research and other activities either in or outside the college, to question and test received wisdom, to put forward new ideas and to state controversial or unpopular opinions and shall not be disadvantaged or subject to less favourable treatment by the college for the exercise of that freedom. That is an attempt to translate the principle of academic freedom into a legislative statement.

The founding charters of many of our universities did not contain these principles but a similar provision exists in the universities legislation and they are an attempt to express in legislation the spirit of academic freedom. However, this spirit can only be built up over generations and through good practice and cannot necessarily be legislated for. There are many parts of the world where such expressions are put into charters and legislation relating to higher institutes of education but where the virtue of academic freedom does not obtain in the institutions themselves. The attempt to translate the principle into legislative form accords the same rights to college academic staff as those enjoyed by university academic staff, under section 14(2) of the Universities Act 1997.

The other aspect of tenure is the degree of permanence, or impermanence, of a particular staff member. Ireland has among the most progressive employment protection legislation in the world so security of employment is not the same issue as it can be in other jurisdictions where tenure, as a concept of isolated existence in the context of university or higher education, is considered very important. For that reason the Minister does not regard these amendments as necessary or desirable. However, I will go through some of the amendments Deputy O'Sullivan tabled in detail.

Amendments Nos. 19 and 58 relate to the right of appeal. However, the Bill provides that an institute of technology will have power to draw up procedures for suspension and dismissal of new members of staff. The institutes must act in accordance with these procedures, which can only be made following consultation with the relevant stakeholders, and these procedures can provide for a right of appeal. Given that these matters relate very much to the internal workings of an institute, the Minister is of the view that it is better to leave this discretion to each body. She does not propose to accept these amendments.

Deputy O'Sullivan has also tabled an amendment on normal industrial relations structures. That phrase was examined at the time the Bill was drafted. There is a precedent in the universities legislation along the lines suggested by the Deputy and the Office of the Parliamentary Counsel was consulted. The view it took was that the reference in the Bill to the recognition of staff associations and trade unions is a clearer and more definitive expression than the reference to normal industrial relations structures. Recognised staff associations exist in the institutes so the Minister does not propose to change the reference as proposed by the Deputy.

Deputy O'Sullivan also tabled amendments Nos. 21 and 60 to remove the power to delegate to the director the ability to suspend or dismiss staff, which is based on a provision of the Universities Act 1997. It is appropriate that this power be vested in the director as the monitoring and supervision of staff is an executive function. The director must take responsibility in such matters. Sometimes an institute will have to act very

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quickly in response to a given circumstance. Requiring the governing body to convene to make such a decision will not make this possible. It should also be remembered that the normal employment protection mechanisms will be available to new members of staff. In addition, as the Minister stated on Committee Stage, the Department is committed to developing a protocol between it and the relevant unions on disciplinary matters. Once finalised, it has been agreed with the teachers' unions that it will be registered with the Labour Court.

Amendment No. 22 again relates to the presidency issue.

Ms O'Sullivan: I accept the Minister of State's point on amendment No. 20 on industrial relations structures, which I will withdraw. What he said in that regard makes some sense. In regard to amendment No. 18, all I seek is equality of tenure among people in institutes of technology which already exists under the Universities Act and I will press the amendment.

I am also concerned that the right of appeal, referred to in amendment No. 19 and a subsequent one, is up to the powers that be in the institutes of technology, which does not seem to be of any great help to the staff concerned. It would be much better if they had a right of appeal as opposed to it being at the discretion of their college. Inevitably in those circumstances, people would feel much more secure if there were an independent right of appeal as opposed to it being at the discretion of the college. I will also press amendment No. 19.

Amendment, by leave, withdrawn.

Ms O'Sullivan: I move amendment No. 18:

In page 11, line 32, after "determines" to insert the following:

" , provided that a member of staff of an institute shall enjoy a tenure not less favourable than would obtain if the institute were governed by the Universities Act 1997".

Amendment put and declared lost.

Ms O'Sullivan: I move amendment No. 19:

In page 11, between lines 32 and 33, to insert the following:

"(3) Terms and conditions under subsection (2) shall provide for a right of appeal for a member of staff in the case of any dispute with the college."

Amendment put and declared lost.

Amendments Nos. 20 to 26, inclusive, not moved.

An Leas-Cheann Comhairle: Amendments Nos. 28, 61 and 62 are related to amendment No. 27. Amendments Nos. 61 and 62 are technical alternatives to the same part of the Bill. Amendments Nos. 27, 28, 61 and 62 may be discussed together.

Mr. B. Lenihan: I move amendment No. 27:

In page 13, line 32, after "be" to insert " , but not later than 3 months,".

On Committee Stage Deputies Enright and Gogarty raised the issue of requiring annual reports to be finalised within a fixed period after the end of the academic year. The Minister indicated she would bring forward amendments on Report Stage to address this point and the purpose of amendments Nos. 27 and 62 is to do that.

Ms Enright: I welcome the fact these amendments have been tabled. It is important there are definite timescales in the legislation.

Mr. Gogarty: While I would prefer a shorter timeframe than three months, I acknowledge the effort made by the Minister in this regard.

Amendment agreed to.

Amendment No. 28 not moved.

An Leas-Cheann Comhairle: Amendments Nos. 29 and 63 are cognate and may be discussed together.

Ms O'Sullivan: I move amendment No. 29:

In page 14, line 45, after "Act" to insert "or by the governing body".

This Bill introduces a function called an executive function whereby directors of institutes will have complete power in regard to certain functions. I wish to modify that to give the governing body the opportunity in certain circumstances to have some authority in the decision-making process in what it might consider proper in respect of its accountability. The amendment simply gives that flexibility whereby the governing authority would be able to intervene and, I suppose, jointly with the director, be accountable for certain issues.

Mr. B. Lenihan: While I appreciate the spirit in which Deputy O'Sullivan tabled this amendment, one must think through the implications of it. The legislation is modelled on the traditional system, with which we are all familiar in the county councils, where distinction is drawn between executive and reserve functions. As Deputy O'Sullivan indicated, the reserve functions are matters for the governing body.

There is a multiplicity of institutes and, for the sake of consistency, we must have a clear definition of what are reserve and executive functions. As Members who have experience of vocational educational committees and county councils are well aware, these matters often end up being

tested in the courts and clear guidelines will have to be prepared and protocols drawn up about the respective functions of governing bodies and directors. Clearly a template will have to be devised following the enactment of this legislation to guide governing bodies and directors on their respective competences and roles.

If we were not to hold the line and insist on a consistent national standard in this regard, we would face a great deal of local anomaly and difficulty and it would not assist in the effective operation of these institutes. For the sake of consistency, we must have a person who is designated to decide what are reserve functions in the case of a dispute. The person vested with this power under the legislation is the Minister. That is the responsibility the Minister will have to take. On that basis, the Minister does not propose to accept Deputy O'Sullivan's amendments.

Ms O'Sullivan: I can see from where the Minister of State is coming but from time to time, I would like to see a review of which functions are appropriate as reserve ones. It may turn out that governing bodies might feel they need to exercise accountability in respect of certain functions which they will not have under this legislation. I do not know whether the Minister of State can give such an undertaking but I would like this to be monitored periodically to ensure appropriate functions are included as the responsibility of the governing bodies.

Mr. B. Lenihan: The view the Minister took was that the Oireachtas must determine in the legislation what are the respective functions. Perhaps I overstated the position somewhat in explaining her position. It is only in the case of a dispute that the Minister has power. The delineation of the functions is set out in the Bill and would require legislative change. It may be that a particular dispute could lead to an issue about what are the appropriate functions, which I accept. However, the House would have to address it with amending legislation because the principles of this matter must be set out in the primary legislation. All we are conferring on the Minister is the power to deal with a particular dispute.

Amendment, by leave, withdrawn.

Amendments Nos. 30 to 36, inclusive, not moved.

An Leas-Cheann Comhairle: Amendments Nos. 37 and 65 are cognate and may be discussed together.

Ms Enright: I move amendment No. 37:

In page 16, line 5, after "college" to insert " , including a time scale for implementation,".

I welcome the fact that within 12 months, the director of an institute would have to provide a statement of the policies of the college on access

to education, equality, people with disabilities etc. However, we should have a timescale for implementation. I argued this point with the Minister on Committee Stage, but she felt it was broad in the way it is worded. While it is broad, it is certainly not definite. By specifying a timescale, we are asking the institutes to live up to their commitments.

While an institute might have to address access to education for socially disadvantaged people, the legislation does not specify a timescale within which it must do so. If an institute were able to set aims and targets to be achieved within a specified timescale, for example, to reach a goal by 2010, it would be much better. The governing body could see what had been a success and what areas needed to be addressed. If a timescale is not specified, there is no pressure on the governing body to try to improve particular areas because there is no target to reach.

Mr. B. Lenihan: I regret to advise Deputy Enright that the Minister remains unpersuaded. The Minister maintains that these amendments are not necessary because section 21D provides that a governing body must prepare a statement of the institute's policies on access to education by economically or socially disadvantaged people, people with disabilities and people who are significantly under-represented in the student body. The policy must also provide for equality in all activities of the institute. The third subsection requires each institute to implement these policies. Once a policy is included in the statement, it must be implemented. It is not a question of a timeframe. Once the body commits itself to a policy, it must be implemented.

Ms Enright: There is nothing to state when it must be implemented. That is my difficulty. We know it will not happen in any situation overnight, whereas it would be better if it were definitely to happen within one or two years. I realise I will not persuade the Minister but I will press the amendment.

Amendment put and declared lost.

Amendments Nos. 38 to 50, inclusive, not moved.

An Leas-Cheann Comhairle: Amendments Nos. 51 and 67 to 71, inclusive, are cognate. Amendments Nos. 51 and 52 are technical alternatives to the same part of the Bill. Amendments Nos. 51, 52 and 67 to 71, inclusive, will be discussed together.

Ms O'Sullivan: I move amendment No. 51:

In page 20, to delete lines 17 to 21.

On a technical point, amendment No. 52 on the list of amendments concerns the director and the president. It might be printed wrongly.

[Ms O'Sullivan.]

The amendments grouped in my name and that of Deputy Enright relate to appearances before the Committee of Public Accounts by representatives of institutes of technology, universities and other bodies. The Bill states: "A Director, if required under paragraph 8 to give evidence, shall not question or express an opinion on the merits of any policy of the Government or a Minister of the Government or on the merits of the objectives of such a policy." I understand this is standard practice with regard to Secretaries General of Departments and certain other bodies, and I agree it is appropriate with regard to Secretaries General. However, an institute of technology, a university or the Higher Education Authority should not be put into the category. They should be free to discuss budgetary issues and the spending of public money, which is the function for which they are attending the Committee of Public Accounts. This section should not be included in the Bill.

We provided some examples in this regard on Committee Stage. For example, when the programme for funding research at third level, PRTLII, was stalled and funding was stopped for a period, it had an effect on the capacity of third level institutions to carry out their functions and do what they wanted to do and what they felt was right. As it was part of Government policy at the time — fortunately, it is not so any longer — it is an example of how, in giving evidence to the Committee of Public Accounts, a bar on criticising Government policy would inevitably curtail directors in explaining their situation with regard to a Government decision. That is one example but there are others.

This appears to be an attempt to muzzle representatives of academic institutions, who are not supposed to be instruments of Government policy and who are supposed to have freedom to exercise their judgement, ethos, aims and objectives. That is why we have tabled this series of amendments.

Ms Enright: This is an important series of amendments concerning the institutes of technology and the universities. As Deputy O'Sullivan stated, the Committee of Public Accounts deals with matters from a budgetary perspective. However, as our third level institutions are becoming more research oriented, as they need to be, the budgetary issue and the public accounts process will become more important.

The role of the institutes and universities has evolved greatly, whether in terms of attracting industry or trying to achieve balanced regional development. They are very much part of what is happening in the broader locality around them in the context of attracting industries and trying to ensure the proper skill sets are available to those industries. Obviously, this becomes a budgetary issue if they want to introduce new courses, which may well be an issue that comes before the Com-

mittee of Public Accounts. If the directors cannot comment at the committee on Government policy, especially with regard to matters like balanced regional development or PRTLII, referred to by Deputy O'Sullivan, they are effectively muzzled.

I cannot see any reason for this approach. What the directors say will not always be a criticism. Perhaps they will comment positively on Government policy. Either way, it is vital they are in a position to express themselves.

In discussing other amendments on Committee Stage, the Minister outlined how the background of the chairpersons of the governing bodies has changed in that we now attract people from companies like Dell and Intel to these positions. These are highly qualified people with much to offer. It is a shame that, as directors of the institutes, they cannot offer their valuable opinions to the Committee of Public Accounts because these opinions would often differ from those of politicians, who come from a different perspective. The inclusion of this section means the country will lose the benefits of involving this type of person. Likewise, academics in the institutions have a valuable contribution to make and those who represent them at the Committee of Public Accounts should be in a position to comment on policy issues.

Mr. Gogarty: I am especially concerned about this issue, which is why I tabled amendments Nos. 69 and 71. When a chief executive officer is asked to come before the Committee of Public Accounts, given the visible nature of the committee in terms of the media reportage and the public eye, it is important it is seen to be as transparent as possible. The acceptance of amendments Nos. 69 and 71 would allow for a specific question of a relevant nature to be asked by a member of the committee. The witness would not be asked to give a general opinion but, as Deputy Enright noted, we increasingly need to know the circumstances surrounding specific information, and we might need to understand the opinion itself.

As members of the Committee of Public Accounts, we should be able to ask for and receive a response which may be an opinion but which would shed light. In that context, the Minister should take into consideration that members of the committee have a certain responsibility and would not ask spurious questions or score political points above and beyond the normal day-to-day points scoring that takes place in these Houses.

Mr. B. Lenihan: First, the prohibition on the director questioning or expressing an opinion on the merits of Government or ministerial policy is limited to the circumstances of giving evidence to the Committee of Public Accounts. That constraint does not apply in any other forum. Therefore, the director can leave the Committee of Public Accounts and make a statement criticising

Government policy ten minutes afterwards. There is nothing to stop that under this legislation.

This provision is a standard provision found in many other items of legislation, for example, the Ombudsman for Children Act 2002, the Houses of the Oireachtas Commission Act 2003 and the National Tourism Development Authority Act 2003. It is in line with the Standing Orders of the House, which provide that the Committee of Public Accounts must refrain from inquiring into the merits of a policy or policies of the Government or a member of the Government or the merits of the objectives of such policies. The reason is that the purpose of the committee is not to interrogate Government policy but to check the accounts which have been submitted in respect of the receipts of expenditure by the relevant Department. The Accounting Officer, who appears before the Committee of Public Accounts, may not inquire into the merits of a policy or policies of the Government because that is not the function of the committee.

The key point is that the subject of the amendments is not the universities or institutes of technology but the Committee of Public Accounts. The purpose of the provision is simply to place the directors in the same position as everyone else who appears before the committee. While the directors are not Accounting Officers, they can be accountable persons in certain contexts and can, therefore, appear before committees. It is in this context that the specific statutory reference is made.

There is no restriction on a director appearing before the Committee of Public Accounts alluding to the fact that an action taken or not taken was in accordance with or a consequence of a Government or ministerial policy, nor is a director appearing in front of another Oireachtas committee precluded from questioning the merits of Government policy. To continue my earlier example, there is nothing to stop a director appearing before the Committee of Public Accounts and being constrained, in accordance with the Standing Orders and long-term practice of this House, from questioning the merits of Government policy and thereafter appearing before the Committee on Education and Science and criticising Government policy. For these reasons, the Minister does not propose to accept these amendments.

Ms O'Sullivan: The Opposition parties are concerned that the provision imposes, in the context of this Bill which also applies to institutes of technology, a new restriction on the universities, National Qualifications Authority and Higher Education Authority. This constraint would create a difficulty in the context of the example I cited of a representative of a university or institute of technology trying to explain in detail the problems encountered in his or institution as a result of a decision to pause funding. Other problems could also arise. For this reason,

Deputy Enright and I do not propose to withdraw the amendment.

Ms Enright: I return to my example of the programme for research in third level institutions, PRTL. The decision to pause funding for this programme jeopardised research projects already in train in universities. If the head of one of the institutions affected by this pause in funding appeared before the Committee of Public Accounts as part of an examination of the relevant college's finances for the year in question, he would have to state, by way of explaining the reason a particular research project led nowhere, suddenly ceased or lost money, that the change in Government policy and its decision to pause funding had a negative affect on the university. This would require him to comment on Government policy because it directly impacted on the specific research programme. These circumstances arose at the time and although the issue did not come before the Committee of Public Accounts, it may yet be discussed in the committee in future.

The Committee of Public Accounts is the proper forum established by the House. While the Minister of State may argue that the directors can go before the Committee on Education or Science or speak to the media, which is true, the proper investigating forum for budgetary matters is the Committee of Public Accounts. For this reason, the directors of the institutions need to be able to make their case before the committee. The provision places institutes of technology in an unfair position because their representatives justify themselves before a committee of the House but are not given a fair opportunity to do so because the areas on which they must comment, namely, Government policy, are constrained, as in the example I outlined.

Mr. B. Lenihan: Deputy Enright obviously participates in discussions by her party's Front Bench on many issues. I have noted the use to which her party has applied the Committee of Public Accounts in recent months. The job of the committee is not to interrogate public policy but to check State accounts. This is not an accidental matter referred to in Standing Orders but a fundamental practice in Departments. The Accounting Officer takes responsibility for these matters within the Department and has authority superior to the Minister in that connection and cannot be directed by the Minister.

Were the Deputy to become Minister for Education and Science, there are certain functions the Secretary General of the Department, as the Accounting Officer, would not allow her to carry out. The Accounting Officer, in turn, is accountable to an Oireachtas committee in respect of these matters. That is the system and the provision simply makes the practices in regard to the colleges consistent with this system. It is not the function of the Committee of Public Accounts to criticise or evaluate Government policy. This can

[Mr. B. Lenihan.]
be done elsewhere. Its function is to examine the
accounts of expenditure of Departments.

Question put: "That the words proposed to be
deleted stand."

The Dáil divided: Tá, 66; Níl, 54.

Tá

Ahern, Noel.
Andrews, Barry.
Ardagh, Seán.
Blaney, Niall.
Brady, Martin.
Breen, James.
Brennan, Seamus.
Callanan, Joe.
Callely, Ivor.
Carey, Pat.
Cassidy, Donie.
Cooper-Flynn, Beverley.
Cowen, Brian.
Cullen, Martin.
Curran, John.
de Valera, Síle.
Dempsey, Noel.
Dempsey, Tony.
Dennehy, John.
Devins, Jimmy.
Ellis, John.
Fahey, Frank.
Finneran, Michael.
Fleming, Seán.
Gallagher, Pat The Cope.
Glennon, Jim.
Grealish, Noel.
Harney, Mary.
Haughey, Seán.
Healy-Rae, Jackie.
Hoctor, Máire.
Jacob, Joe.
Keaveney, Cecilia.

Kelleher, Billy.
Kelly, Peter.
Killeen, Tony.
Kirk, Seamus.
Kitt, Tom.
Lenihan, Brian.
Lenihan, Conor.
McEllistrim, Thomas.
Moloney, John.
Moynihan, Donal.
Moynihan, Michael.
Mulcahy, Michael.
Nolan, M. J.
Ó Cuív, Eamon.
Ó Fearghaíl, Seán.
O'Connor, Charlie.
O'Dea, Willie.
O'Donnell, Liz.
O'Flynn, Noel.
O'Keeffe, Ned.
O'Malley, Fiona.
O'Malley, Tim.
Parlon, Tom.
Power, Peter.
Power, Seán.
Sexton, Mae.
Smith, Michael.
Treacy, Noel.
Wallace, Dan.
Wallace, Mary.
Walsh, Joe.
Wilkinson, Ollie.
Woods, Michael.

Níl

Allen, Bernard.
Boyle, Dan.
Breen, Pat.
Broughan, Thomas P.
Bruton, Richard.
Burton, Joan.
Connolly, Paudge.
Crawford, Seymour.
Cuffe, Ciarán.
Deasy, John.
English, Damien.
Enright, Olwyn.
Ferris, Martin.
Gilmore, Eamon.
Gogarty, Paul.
Gormley, John.
Gregory, Tony.
Harkin, Marian.
Hayes, Tom.
Healy, Seamus.
Higgins, Michael D.
Hogan, Phil.
Howlin, Brendan.
Kehoe, Paul.
Lynch, Kathleen.
McCormack, Pádraic.
McEntee, Shane.

McGinley, Dinny.
McGrath, Finian.
McGrath, Paul.
McHugh, Paddy.
Mitchell, Gay.
Mitchell, Olivia.
Morgan, Arthur.
Murphy, Catherine.
Murphy, Gerard.
Ó Caoláin, Caoimhghín.
Ó Snodaigh, Aengus.
O'Dowd, Fergus.
O'Keeffe, Jim.
O'Shea, Brian.
O'Sullivan, Jan.
Pattison, Seamus.
Penrose, Willie.
Quinn, Ruairí.
Rabbitte, Pat.
Ryan, Eamon.
Ryan, Seán.
Sargent, Trevor.
Sherlock, Joe.
Shortall, Róisín.
Stagg, Emmet.
Stanton, David.
Twomey, Liam.

Tellers: Tá, Deputies Kitt and Kelleher; Níl, Deputies Stagg and Kehoe.

Question declared carried.

Amendment declared lost.

Debate adjourned.

Business of Dáil.

Minister of State at the Department of the Taoiseach (Mr. Kitt): I have just spoken to my fellow Whips and the spokespersons on education and I understand that only five or ten minutes is required to complete the Institutes of Technology Bill. I ask the permission of the House to give that extension to complete this legislation and then proceed to our other business.

Caoimhghín Ó Caoláin: I am not privy to whatever consultation the Chief Whip may have had but this will eat into the time for discussion of the Hepatitis C Compensation Tribunal (Amendment) Bill, which is already subject to time restrictions with a guillotine tomorrow. How does the Chief Whip reconcile that with—

Mr. Kitt: I am asking for only five minutes.

Caoimhghín Ó Caoláin: Is the Chief Whip prepared to extend the time for the Hepatitis C Compensation Tribunal Bill at the other end?

Mr. Cowen: We will forget about it.

An Ceann Comhairle: We will move on to No. 2, the Hepatitis C Compensation Tribunal (Amendment) Bill 2006 — Order for Second Stage and Second Stage.

Hepatitis C Compensation Tribunal (Amendment) Bill 2006: Order for Second Stage.

Bill entitled An Act to amend the Hepatitis C Compensation Tribunal Acts 1997 and 2002, and to make a related amendment to the Health (Amendment) Act 1996.

Minister of State at the Department of Health and Children (Mr. B. Lenihan): I move: “That Second Stage be taken now.”

Question put.

The Dáil divided: Tá, 66; Níl, 57.

Tá

Ahern, Noel.
Andrews, Barry.
Ardagh, Seán.
Blaney, Niall.
Brady, Martin.
Brennan, Séamus.
Callanan, Joe.
Callely, Ivor.
Carey, Pat.
Cassidy, Donie.
Cooper-Flynn, Beverley.
Cowen, Brian.
Cullen, Martin.
Curran, John.
de Valera, Síle.
Dempsey, Noel.
Dempsey, Tony.
Dennehy, John.
Devins, Jimmy.
Ellis, John.
Fahey, Frank.
Finneran, Michael.
Fitzpatrick, Dermot.
Fleming, Seán.
Gallagher, Pat The Cope.
Glennon, Jim.
Grealish, Noel.
Harney, Mary.
Haughey, Seán.
Healy-Rae, Jackie.
Hoctor, Máire.
Jacob, Joe.
Keaveney, Cecilia.

Kelleher, Billy.
Kelly, Peter.
Killeen, Tony.
Kirk, Seamus.
Kitt, Tom.
Lenihan, Brian.
Lenihan, Conor.
McEllistram, Thomas.
Moloney, John.
Moynihan, Donal.
Moynihan, Michael.
Mulcahy, Michael.
Nolan, M. J.
Ó Cuív, Éamon.
Ó Feargháil, Seán.
O'Connor, Charlie.
O'Dea, Willie.
O'Donnell, Liz.
O'Flynn, Noel.
O'Keeffe, Ned.
O'Malley, Fiona.
O'Malley, Tim.
Parlon, Tom.
Power, Peter.
Power, Seán.
Sexton, Mae.
Smith, Michael.
Treacy, Noel.
Wallace, Dan.
Wallace, Mary.
Walsh, Joe.
Wilkinson, Ollie.
Woods, Michael.

Níl

Allen, Bernard.
Boyle, Dan.
Breen, James.
Breen, Pat.
Broughan, Thomas P.
Bruton, Richard.

Burton, Joan.
Connolly, Paudge.
Crawford, Seymour.
Cuffe, Ciarán.
Deasy, John.
English, Damien.

Níl—*continued*

Enright, Olwyn.
 Ferris, Martin.
 Gilmore, Eamon.
 Gogarty, Paul.
 Gormley, John.
 Gregory, Tony.
 Harkin, Marian.
 Hayes, Tom.
 Healy, Seamus.
 Higgins, Michael D.
 Hogan, Phil.
 Howlin, Brendan.
 Kehoe, Paul.
 Kenny, Enda.
 Lynch, Kathleen.
 McCormack, Pádraic.
 McEntee, Shane.
 McGinley, Dinny.
 McGrath, Finian.
 McGrath, Paul.
 McHugh, Paddy.
 McManus, Liz.
 Mitchell, Gay.

Mitchell, Olivia.
 Morgan, Arthur.
 Murphy, Catherine.
 Neville, Dan.
 Ó Caoláin, Caoimhghín.
 Ó Snodaigh, Aengus.
 O'Dowd, Fergus.
 O'Keeffe, Jim.
 O'Shea, Brian.
 O'Sullivan, Jan.
 Pattison, Seamus.
 Penrose, Willie.
 Quinn, Ruairí.
 Rabbitte, Pat.
 Ryan, Eamon.
 Ryan, Seán.
 Sargent, Trevor.
 Sherlock, Joe.
 Shortall, Róisín.
 Stagg, Emmet.
 Stanton, David.
 Twomey, Liam.

Tellers: Tá, Deputies Kitt and Kelleher; Níl, Deputies Kehoe and Stagg.

Question declared carried.

Ms Lynch: On a point of order, this is exactly what happened a while ago. People were very confused about the last vote because they thought they were voting on the Institutes of Technology Bill 2006—

Mr. Treacy: No.

Ms Lynch: —when, in fact, we had moved on to the Hepatitis C Compensation Tribunal (Amendment) Bill 2006.

An Ceann Comhairle: I will hear the point of order.

Ms Lynch: I was on my feet asking for the Hepatitis C Compensation Tribunal (Amendment) Bill 2006 to be referred back. I could not be heard in the confusion, however. Nobody clearly heard what the Ceann Comhairle was saying. I am not saying that was his fault as it was clearly the fault of those who were making noise. I was not given an opportunity to make my proposal before the vote took place. I would like to make that proposal now. I know it is not the normal run of events, but the normal run of events was not what we saw earlier.

An Ceann Comhairle: The normal run of events was pursued. Deputy McManus's amendment to the motion for the Second Reading will be considered at the end of the debate rather than now at the beginning of the debate.

Ms Lynch: That will be allowed.

An Ceann Comhairle: Yes, I presume that Deputy McManus will move her amendment when she speaks during the Second Stage debate.

She would not be allowed to propose the amendment at this stage, even if Members were as silent as they are now.

Ms Lynch: A Cheann Comhairle, you must accept it is confusing when one cannot hear what you are saying.

An Ceann Comhairle: The Chair accepts that.

Ms Lynch: It is especially confusing when we are dealing with a sensitive issue like this one.

An Ceann Comhairle: The Chair appeals to Members to be silent, particularly as we have some time constraints. I appeal to Members who intend to leave the Chamber in a moment, when the Tánaiste starts to speak, to remain silent and to allow the Tánaiste to address the House.

Mr. M. Higgins: Quite right.

Hepatitis C Compensation Tribunal (Amendment) Bill 2006: Second Stage.

Tánaiste and Minister for Health and Children (Ms Harney): I move: "That the Bill be now read a Second Time."

The Government acknowledges in the strongest possible terms that the infection of people with contaminated blood products was catastrophic for them and their families. While no monetary support or compensation can repair the damage done, Ireland is doing more for victims compared with other countries in similar circumstances. I am delighted this is the case.

For many years, people infected with hepatitis C have made the reasonable case for a method of addressing the insurance difficulties which they and their spouses face. No particular solution to these difficulties was readily apparent. While it was relatively easy to find precedents for monet-

ary compensation schemes, nowhere in the world was there a scheme to address the insurance difficulties of this nature. As far as I am aware this remains the position.

Ms McManus: It would be appreciated if we could have copies of the speech. This is a complex issue on which the Tánaiste and Minister for Health and Children made statements this morning which I believe are misleading. It is important that a written script is given to Members. I would be grateful if that could be attended to immediately.

Ms Harney: It is being attended to. The script should be arriving in the Chamber now.

Aengus Ó Snodaigh: That is just glasses of water being brought into the Chamber. Sustenance must come first.

Acting Chairman (Ms O'Sullivan): It has been clarified that the script will be made available.

Ms Harney: The introduction in the Bill of an insurance support scheme on a statutory basis shows the continued commitment of the Government to working with the victims of infection to provide all possible supports to them. This scheme brings to three the key forms of recompense which the State has put in place for this cohort. There are already two forms of recompense in place for persons with hepatitis C and HIV.

The first is the compensation scheme, administered through the Hepatitis C and HIV Compensation Tribunal. To date the tribunal has incurred expenditure of more than €660 million and made awards to around 2,200 people. This figure includes most of the 1,700 persons infected with hepatitis C or HIV and a significant proportion of their spouses, partners or dependants. The second form of recompense is the provision of a range of health care services under the Health (Amendment) Act 1996. The cost of the health care scheme is approximately €15 million per annum.

After enactment of the Bill, and to ensure consistency and fairness, every person who receives a compensation award at the tribunal, under the existing or new legislation, will also receive the special health card. I will shortly be in contact with the Health Service Executive in this regard. There will be a third form of recompense in the form of an insurance scheme. This will cost an estimated €90 million over the lifetime of the scheme, estimated to be at least 30 or more years.

To ensure a consistent approach to all three supports, the Government agreed that a hepatitis C diagnosis should be defined by scientific test, the ELISA test, for chronic infection and certain defined symptoms of acute infection acquired within 16 weeks of the administration of the anti-D product. The symptoms linked with hepatitis C

include fatigue, aches and pains, depression, dry skin, rashes and so on. Many of these symptoms are common to several viral and other conditions not associated with hepatitis C and form a significant part of the caseload of most general practitioners. To ensure the support schemes operate in a fair and equitable manner and that those determining eligibility under the schemes use clear consistent criteria, diagnosis will be determined by means of an internationally accepted test. A similar scientific test definition of hepatitis C diagnosis is used in other jurisdictions, such as the UK and Canada, where compensation schemes operate.

More importantly, the ELISA test is accepted internationally as the standard method for diagnosing hepatitis C for the purposes of health care services. In practice, the test is used as the first-line indicator that any hepatitis C sufferer has been exposed to the hepatitis C infection at some time in the past and should be further investigated for evidence of current infection. The expert group on hepatitis C, chaired by the chief medical officer of the Department and Health and Children and including representation from leading liver consultants and a member of Positive Action, agreed in 1998 that eligibility for the Health (Amendment) Act card should be on the basis of a positive diagnostic test for hepatitis C. The Health (Amendment) Act card is given to eligible persons by the HSE to facilitate them in accessing the range of health services to which they are entitled.

In 1995, support groups pressed for a statutory compensation tribunal. A Bill was drafted with the assistance of John Rogers SC and Ivor Fitzpatrick & Company Solicitors and submitted to the then Minister. The Bill included the ELISA test as the basis for a diagnosis of hepatitis C, as is now provided.

Since 1997, infected people's inability to obtain life assurance or mortgage protection cover has added further problems to the damage they have already suffered. This was one issue highlighted by the consultative council on hepatitis C from its first meeting in March 1997. The Department of Health and Children retained Mercer Human Resource Consulting Limited to examine the insurance difficulties facing persons with hepatitis C and to suggest ways in which these difficulties might be resolved. A second phase of the project led to the development of detailed proposals for an appropriate scheme. Following representations from the Irish Haemophilia Society it was agreed the small number of persons infected with HIV would also become eligible under the scheme. Departmental officials have worked in close co-operation with the representative groups — Positive Action, Transfusion Positive, the Irish Haemophilia Society and the Irish Kidney Association — to agree the scheme's parameters and have taken nearly all the groups' recommendations made on board in the scheme's development.

[Ms Harney.]

Persons to whom the scheme will apply come under two categories with regard to insurance matters, those who can get insurance but only with increased premiums and those who are deemed by the insurance industry to be uninsurable. The Bill's objective is to provide reasonable access to the insurance market for those for whom the cost of insurance to date has been rendered prohibitive or for whom cover is unavailable. The introduction of the scheme will provide for life assurance and mortgage protection cover. Under the scheme the State will pay the additional risk premium where the life assurer is willing to provide cover subject to an additional premium. The State will assume the risk on the life cover where the assurer is not willing to provide this cover. It will also allow as a matter for priority for the development of a travel insurance scheme. The scheme will be administered under the aegis of the HSE. Specific details on its administration will be set out in regulations and an administrator will be recruited as soon as possible after the Bill's enactment.

Section 1(a) adds definitions for the terms "relevant claimant" and "relevant insurance scheme". Section 1(b) amends the definition of diagnosis for the purposes of the existing compensation scheme and the new insurance scheme. It provides that a diagnosis must be based on a positive ELISA test, the internationally used scientific test to diagnose persons chronically infected with hepatitis C. The definition also clarifies the eligibility of persons who displayed symptoms of acute infection within 16 weeks after the administration of the anti-D product. These requirements will not apply to claims for compensation made to the tribunal before 20 June 2006.

In section 2, eligibility for compensation in respect of loss of consortium, is clarified as applying to persons who were married before the diagnosis of hepatitis C and HIV or who were living together for three or more years before the diagnosis. This provision will come into effect on the enactment of the Bill. Consortium can be defined as "the living together as husband and wife with all that flows from that relationship including companionship, the rendering of services, sexual intercourse and affectionate relationship between spouses". Persons who were directly infected with hepatitis C or HIV are compensated as part of their general damages for all the effects of the virus on their lives and relationships. Loss of consortium is intended to compensate the spouses and partners of infected persons who entered into marriage or long-term relationships without the spectre of hepatitis C or HIV hanging over them and then found their expectations of a normal family life were severely affected by their partner's condition.

A relationship which was formed in the knowledge of the hepatitis C or HIV diagnosis is excluded from this particular head of claim on the basis that, for a loss of consortium to exist, there

must have been a committed relationship already in existence and the legitimate expectation that this would continue without the imposition of a viral illness acquired through the use of State-provided health services. However, it is important to note that eligible partners in relationships formed after diagnosis will remain entitled to all the other relevant heads of claim under the compensation scheme, such as compensation for any actual losses incurred in looking after their partner, loss of services, loss of society, post-traumatic stress disorder, mental distress and dependency losses.

Sections 3, 4 and 5 of the Bill contain the provisions establishing the insurance scheme. Section 3 amends section 7 of the Hepatitis C Compensation Tribunal Act 1997 to allow the Minister to make regulations providing for the establishment, operation, administration and supervision of an insurance scheme. The insurance scheme will provide certain types of insurance to claimants who fall into the following categories: hepatitis C-infected anti-D recipients, hepatitis C-infected transfusion recipients, HIV-infected recipients of relevant products, the children or spouses of eligible persons with hepatitis C or HIV, who have themselves been diagnosed positive for the virus, a parent, brother or sister of an infected person who is himself or herself diagnosed with hepatitis C or HIV infection, and certain other claimants, and who are refused the relevant insurance on the grounds that they have been diagnosed positive for hepatitis C or HIV, or who the administrator reasonably believes would be refused if they applied for insurance, who are refused unless they pay a higher premium than persons of similar age and gender who have not been diagnosed positive for hepatitis C or HIV.

Under this section, the Minister may also make regulations to specify the administrator of the scheme and the functions of the administrator, and specify the conditions subject to which a benefit will be provided under the scheme, specify the conditions subject to which benefits will not be provided, or stop being provided, based on the time when the claimant makes an application to the administrator for benefit, and the claimant's age at the time of making the application.

The scheme will provide life insurance of €400,000, or seven times the annual earned income, up to a maximum of €500,000, of the claimant, or the claimant's spouse or the claimant's partner of three years standing at the time the application is made, or the joint income of the claimant and spouse or partner. All the amounts mentioned above will be index-linked to the consumer price index compiled by the Central Statistics Office, or its successor.

The scheme will provide mortgage protection insurance for the purchase, change or improvement of the claimant's home, primary residence, to a maximum of either €375,000, index-linked to

the Permanent TSB-ESRI Dublin house price index, or its successor, or the average Dublin house price, determined by the Permanent TSB-ESRI Dublin house price index, plus 25%, whichever is greater. For the first year after the scheme comes into effect, eligible claimants will be allowed to remortgage any property he or she owns up to a total of €100,000.

Under section 3, the Minister is empowered to make regulations to provide for annual travel insurance. I am committed to establishing a travel insurance scheme as soon as possible and I intend that travel insurance benefits will be covered by the scheme within six months of the establishment of the life and mortgage protection elements of the scheme.

Claimants who want to avail of the full benefits of the scheme without restriction must make an application to the administrator within a year of the scheme coming into effect, or within three years of the date on which the claimant has been diagnosed positive for hepatitis C or HIV, whichever is later.

The exceptions are applications for annual travel insurance and applications for life and mortgage cover by claimants who are under 30. In respect of the travel insurance element of the scheme, once this is up and running a claimant can apply for full benefits under the scheme at any time.

In regard to young claimants, the Irish Haemophilia Society made a compelling case that persons with haemophilia who were infected with hepatitis C in their early years of life may still not have reached the stage in life where they are ready to take out a mortgage or life assurance policy. Accordingly, the Government agreed that the full benefits of the scheme would apply without restriction to eligible claimants up to the age of 30, rather than be confined to the first year of the scheme. Except for this group, claimants who make an application after the first year that the scheme is in operation and who would be deemed "uninsurable" will still be able to avail of insurance but the benefits will have a phasing-in period. In the case of claimants who are under 50 it is intended by regulation to specify a two-year phasing-in period, and for persons over 50 the relevant period will be three years.

For the first year of the scheme, applications will be accepted by persons who are 75 years of age or younger, but after the first year, applications will only be accepted from persons who are 65 or under. No applications will be accepted from claimants who are over 75, even during the first year of the scheme, and cover will cease for every claimant who reaches 75.

The Bill provides that the Minister may make regulations setting out the basis for calculating the insurance premiums, if any, to be paid by a claimant, but it is proposed to amend the Bill on Committee Stage to remove this provision.

An important element of the insurance scheme is that eligible claimants with other medical con-

ditions as well as hepatitis C or HIV will have all these conditions disregarded for the purposes of the insurance scheme. Under the scheme, the claimant will be entitled to benefits by payment of a premium that will be generally the same as the premium paid by a person of similar age and gender who is not infected with hepatitis C or HIV.

Where an eligible person makes a joint application with a person who is not covered by the scheme and the application benefits both parties jointly, the other person will pay the same premium in respect of his or her benefit as any other person of similar age, gender and health status and he or she will not pay a higher joint premium in respect of the joint benefit than the joint premium that would be charged for a joint application from two persons, neither of whom had been diagnosed positive for hepatitis C or HIV.

The administrator may determine the procedures to be adopted in the operation, administration and supervision of the scheme, subject to the provisions of the Act and any regulations made under the Act. The scheme administrator may refuse an application if it is not presented in the specified format or if information which is deemed to be reasonably required is not provided.

If an eligible person, or the eligible person and his or her partner, has two or more policies under the scheme, the maximum sum assured applies to the policies collectively. If a person has an existing policy or takes out new policies, which are not taken out under the scheme, those policies will not be taken into account in calculating the maximum sum assured.

With regard to the administration of the scheme, the administrator will be obliged to submit a report and accounts to the Minister as directed. The Minister will lay the report before the Houses of the Oireachtas, and the report will not identify any claimant. Wherever the term "*relevant date*" is used in regard to the insurance scheme, it means the date on which the scheme commenced.

I now turn to section 4, which outlines the appeals procedures that will apply. Under section 4, a person may appeal a relevant decision of the scheme administrator within 28 days of being notified of the decision in writing. An appeal will be in the format decided by the administrator and will state the reasons for the appeal. The Minister will appoint one or more people who are solicitors or barristers of at least five years standing to consider appeals.

The appeals officer will be independent but will comply with any guidelines on procedure issued by the Minister. He or she will consider any oral or written submissions made by the appellant and the scheme administrator, make a decision in writing, giving reasons, and send the written decision to the appellant and the administrator. The appeals officer may also pay reasonable costs in respect of an appeal which has been upheld.

[Ms Harney.]

A person affected by a decision of the appeals officer may appeal to the High Court on a point of law within 28 days of receipt of the written decision. A decision of the High Court will specify where appropriate the period within which the decision must be carried out. The High Court's decision will be final. If the appeals officer's decision is not appealed to the High Court, the administrator will carry out the decision as soon as is practicable. Where the High Court has given a decision the administrator will carry out that decision within the specified time period or as soon as possible thereafter.

An appeals officer will be paid a salary and expenses and will be provided with whatever permanent or temporary staff the Minister deems necessary, and with the consent of the Minister for Finance, to carry out his or her functions, including medical or other experts. He or she may resign by giving notice in writing. The Minister can revoke the appointment for stated reasons. Each appeals officer will report to the Minister in writing at intervals to be decided by the Minister. The Minister will lay copies of the report before the Oireachtas. The appeals officer's report will not identify any claimant.

The following decisions of the administrator can be appealed: a refusal to consider an application, a decision that a claimant is not eligible, that a benefit cannot be provided or must cease to be provided, or is partially or incrementally provided, or the amount of the sum assured under the scheme. Section 4 also provides for the establishment of a special account to pay costs arising from the scheme, including the cost of administration and payment of benefits. This account can only be used to pay costs associated with the insurance scheme, and only on the direction of the Minister for Finance. Any money in the special account, or interest on the money, can be paid into, or disposed of, for the benefit of the Exchequer at the direction of the Minister for Finance. The special account will be with the Paymaster General, will be subject to whatever terms and conditions the Minister for Finance, in consultation with the Minister for Health and Children, decides, and will be subject to audit by the Comptroller and Auditor General.

The scheme administrator may specify any forms which he thinks fit and the documents which are required to be submitted with the forms. These forms must be completed in full by an applicant and accompanied by the necessary documents. The scheme administrator may require a statutory declaration to be made that the particulars contained in the forms are true. Multiple copies of forms or documents may be required, or alternative documents in particular circumstances.

Confidentiality is a prime consideration to persons infected with hepatitis C and HIV through the administration of blood and blood products within the State and I take their concerns on this

matter seriously. As a result, section 4 of the Bill stipulates that everyone connected with the process, including the administrator, the appeals officer or officers and the insurers must maintain confidentiality in respect of all relevant matters and will not allow unauthorised access to any relevant documents. A person who contravenes this provision and is convicted of a summary offence will be liable to a fine of up to €3,000 or up to six months' imprisonment or both. A person found guilty of an indictable offence will be liable to a maximum fine of €25,000 or two years' imprisonment or both.

Section 5 is a technical amendment to distinguish between the special account already set up to pay the costs of the compensation scheme and the separate account to be established to pay for the insurance scheme. This is the final provision relating to the insurance scheme.

I will now continue with section 6. I have already referred to section 1(b) which clarifies the definition of hepatitis C for the purposes of entitlement to compensation. Section 6 mirrors this provision by inserting a similar requirement into the Health (Amendment) Act 1996 which entitles eligible persons with hepatitis C to a range of health care services without charge.

The seventh and final section gives the Short Title of the Bill and the amended name of the three compensation schemes. In addition, the Health Acts 1947 to 2006 will include section 4 of this Bill.

The establishment date for the insurance scheme will be set by regulation, and I intend to enact the necessary regulations as soon as possible after the enactment of the Bill. Sections 1 and 6 will take effect from 20 June 2006, while section 2 will take effect from the date of enactment.

I acknowledge the input of the four hepatitis C and HIV support groups, the Irish Haemophilia Society, the Irish Kidney Association, Positive Action and Transfusion Positive, into the negotiations which preceded this Bill and thank them for their co-operation. My officials have discussed the Bill in great detail with the four groups in recent days. While there is a significant difference of opinion on sections 1, 2 and 6, there is almost unanimity on the sections establishing the insurance scheme.

A small number of amendments to the insurance elements of the Bill have been suggested by the support groups and have been actively examined by my officials. I hope to take these amendments into account on Committee Stage. I am confident at the end of this process there will be a statutory framework in place for a viable insurance scheme which at long last will enable the 1,700 persons with hepatitis C or HIV to avail of insurance products in a fair and equitable manner.

My officials have agreed with the support groups that they will engage immediately with them to agree the text of the regulations for the

scheme once the Bill is enacted. A large amount of groundwork has been done on this, and the outline rules on how the scheme will operate have already been drafted and agreed. I have instructed my officials that the completion of this process and the appointment of an administrator for the scheme should be given priority and completed within a three to six-month timeframe. I also acknowledge the importance which the support groups attach to the travel insurance element of the scheme and it is my intention that discussions on the parameters of this scheme will proceed as soon as possible.

I commend the Bill to the House and I urge its support in ensuring that this substantial initiative for persons infected by the State is established on a statutory footing, so that the necessary arrangements can be made to make the scheme available to those who need mortgage, travel insurance and life assurance as quickly as possible.

Dr. Twomey: I am sharing time with Deputy Enright.

Acting Chairman (Ms O'Sullivan): Is that agreed? Agreed.

Dr. Twomey: Much of what will be said by Members of this House today and tomorrow will be on behalf of members of the Irish Haemophilia Society, the Irish Kidney Association, Positive Action and Transfusion Positive because the Tánaiste and Minister for Health and Children did not negotiate fully with those organisations before this legislation was brought through. In some respects we represent their views and those of people affected or who may be affected by State health services.

The Tánaiste and Minister for Health and Children's statement to the press yesterday mentioned that she is anxious to have this Bill enacted so that the many people deprived access to the insurance market can now avail of it. If she had stuck to the issue of insurance products, this legislation would have received the full support of this House and would be passed quickly today without the animosity we have witnessed.

Patients were infected with HIV and hepatitis C by the State's health service and the Tánaiste and her Government should not lose sight of that pertinent fact. We are obliged to do our absolute best for these people because of it. Groups representing the victims of this public health disaster were quietly confident that, after months of negotiations with the Tánaiste and Minister for Health and Children and her Department, this Bill would finally help them come closer to closure on their dealings with the State on this terrible disaster. I acknowledge that these dealings were often more confrontational than they should have been in the spirit of correcting the wrongs done to this group of people by the State that we serve.

This has been a medical, social and psychological disaster in the lives of those men, women and

children involved — citizens of this country. We can all remember the raw emotion in the mid-1990s when this public health disaster first came to light and it continues to have a terrible effect on people's lives to this day. The way this legislation has been put through the House by the Tánaiste and the Government is wrong. In the past ten years the State has responded to this issue with two Acts, the Hepatitis C Compensation Tribunal Act 1997 and the Hepatitis C Compensation Tribunal (Amendment) Act 2002. They looked at two of the three strands referred to by the Tánaiste and Minister for Health and Children, namely, giving compensation to people affected and providing health care to them. The third strand was the provision of insurance. After months of discussion, those affected believed this Bill would build on protections achieved so far. We should acknowledge that those achievements were initially difficult to gain, but as time passed we recognised what needed to be done.

Having spoken to the people affected by this, it is amazing how they were treated all those years ago, not only politically but also by the medical profession. Assumptions were made as to how they might have contracted this awful illness. Assumptions were made regarding their private lives which, undoubtedly, had an effect at the time. We need to be much more humane in the approach we take to the issue. Let us not revert to those days. Let us be more proactive and try to help these people. It is important that we deal with this as an insurance issue. The way the Tánaiste and Minister for Health and Children has dealt with this issue so far has been a slap in the face for victims. In some respects, the Government has been deceitful in the way this legislation has been advanced so far. It was only supposed to relate to the issue of insurance and the Tánaiste and Minister for Health and Children's changes have been brought forward in a deceitful way.

All the organisations that represent the victims of this terrible tragedy are unanimous in their objections to sections 1, 2 and 6. I do not like the way the Tánaiste and the Government launched a pre-emptive strike against the victims. The Government's press release states: "the Expert Group on Hepatitis C which is chaired by the Department's Chief Medical Officer and includes representation from leading liver consultants and a member of Positive Action, agreed in 1998 that eligibility for the Health Amendment Act Card should be on the basis of a positive diagnostic test for Hepatitis C". That statement is an attempt to downgrade the victim's argument by saying they agreed with the Department on the ELISA test for Hepatitis C. The Government should have been far more honest in its negotiations with this group of victims.

The way the issue of compensation is dealt with in the press release is sinister. Reference is made to "... compensation, through the Hepatitis C and HIV Compensation Tribunal, which to date has

[Dr. Twomey.]

awarded over €660 million to around 2,000 people". The assumption that any reader of that statement would make is that €660 million has been given to 2,000 patients who have been infected by hepatitis C or HIV. The sum of €660 million covers everything, including legal, administrative and organisational costs, as well as compensation to the victims. The Government should have made that very clear instead of trying to give the impression that this group of people have already been well compensated by the State and that what the Government is doing today is redressing an imbalance on behalf of the State. That is an extremely negative approach and the Government should not attempt to do anything similar in future, especially in the context of dealing with victims of a terrible tragedy. The Tánaiste and Minister for Health and Children needs to clarify that point immediately.

The victims and their representative organisations have behaved admirably with the Tánaiste and Minister for Health and Children and all Governments over the past nine years. They have entered the negotiation process to try to build on their entitlements, the compensation fund for people who may come after them, the health care services they, and others who cannot speak for themselves, will need and insurance provisions. They have been extremely good in the way they have dealt with the Department of Health and Children and the Government. They have been involved in the negotiations on this legislation for 18 months. They attended numerous meetings and had countless discussions. They set targets that are referred to throughout the Bill and with which no one in this House will disagree. The Tánaiste and Minister for Health and Children will have no problems in that regard because the negotiations were two-way.

However, when the victims read the Green Paper they were shocked and horrified by sections 1, 2 and 6. That is why they approached the Opposition and asked us to request that those sections be withdrawn. They were not negotiating on with anybody and were purely unilateral, coming from the Government side. Those sections represent a Government decision to restrict some of the entitlements of these patients.

Withdrawal of entitlements is heavily dependent on medical evidence. Two laboratory tests will decide whether the State will look after infected patients or deny them service. The Government is setting enormous store by the ELISA test, arguing that it is extremely accurate and has improved greatly in recent years. The ELISA test, an Enzyme Linked Immuno Sorbent Assay, is a test for antibodies and not for the virus itself. Is this the only test proposed or are there other immunoelectrophoresic procedures being planned also? Is it intended to use other assay type tests that work like the ELISA test? Has the Government any plans to measure the viral antigen? Has any advice been given to the

Tánaiste and Minister for Health and Children on this issue? There is no mention of alternatives in the legislation. The Bill clearly refers to one test, which is a test for the antibodies to hepatitis C, upon which a claim will fall if the result is negative. There is no indication as to whether it is intended to measure viral load or viral antigens.

I ask the Tánaiste and Minister for Health and Children to verify that the ELISA test is the only one that the Government will rely upon. I further ask how many ELISA tests will be allowed. Is one positive test at some stage in one's life sufficient? If patients get a negative result at some stage, will things get a little tricky in terms of their entitlements? The situation is not clear but the Government has put enormous store by a single test.

One thing I have learned from my 20 years in medicine is that it is not an exact science, although we might like to think it is. Medical discourse concerning laboratory tests is littered with terms such as "false positive", "false negative" and so forth. The Tánaiste and Minister for Health and Children knows this. In that context, people can be denied services and justice on the basis of blood tests that may not be 100% accurate. Many factors can affect the results of a blood test, including chemotherapy treatment or transplants. This fact is not covered anywhere in the legislation. The Government is giving all the credit to one test and one wonders if one had a discussion with medical experts whether they would agree that this is the right approach to take. In the interests of fairness, the Tánaiste and Minister for Health and Children should release the expert advice she received, when drawing up this legislation, to show that this test is so accurate that justice can be denied to people on the basis of it. What has gone wrong in the past nine years that the Government is now taking this approach?

The Government is also relying on another test, the approach to which is even more ridiculous than to the ELISA test. The Alanine Amino-transferase Test looks at raised ALT levels in the presence of jaundice, no later than 16 weeks after the person has received anti-D. This may seem reasonable in a medical sense, but is not so in a real-world sense. Anti-D is given to women after delivery. Will the Department recall those women at 16 weeks and check their ALT levels, in the presence or absence of jaundice? Medical advisers will point out that it is quite possible, after 16 weeks, that there would be no visible signs of jaundice in patients that would lead them to seek medical attention. Statistics indicate that fewer than 20% of patients might have jaundice when they have this acute infection. Therefore, reference to raised ALT levels is meaningless because the only way a patient will know if his or her ALT levels are raised is in the presence of jaundice. Many patients with a 16 week old child would not be surprised to find they are tired, lethargic and sleeping a lot. The Government is relying on one thing, namely, jaundice. It is saying to

patients that they must have jaundice after 16 weeks or they are out of the loop. The Government cannot do that to patients.

If the Government is saying that anti-D is still a problem, however small, everybody who receives it should be tested, 16 weeks later, for raised ALT levels. Perhaps people should also be tested after six months and again after 12 months, to be absolutely certain the Government is not denying people their rights or missing something. There are two ways to approach this. The Government is asserting in the legislation that if a person is one of the fortunate four out of five patients who does not contract jaundice, he or she is out of the loop. At the same time, if a person contracts jaundice, he or she should seek medical attention immediately or will receive nothing from the State. That is what the commencement order in the Bill means.

The issue of transfusions is also important. People who receive blood transfusions often get jaundice because red blood cells may break down in their bodies for many reasons. One can see this when one conducts routine blood tests on transfusion patients. Often people who receive transfusions have other illnesses which cause them to be anaemic. Some blood tests may indicate raised ALT levels but doctors might not always consider the possibility of hepatitis infection and carry out further tests for hepatitis C.

Again, the Government is denying those patients the opportunity to secure the compensation that the State must pay people if its health services have been negligent. The compensation, medical care and insurance schemes that we are giving them are only to be expected. There is nothing great in this, and we must be far more open and easy with people regarding those issues.

Recently we had a hepatitis B scare in two hospitals in the south east. When the laboratory there was looking through the different types of hepatitis B that it had, it noticed that there was a cluster in two hospitals. It started a massive campaign, which is still under way, to test another 1,000 patients who were in the hospital at the same time to see if there are other cases of hepatitis in that population.

From my medical experience and discussions with doctors in both hospitals, I can see how those patients might have contracted hepatitis from each other. They did not have a surgical or investigative procedure carried out, which are the most obvious possible sources of infection in hospitals. Public health investigators could not find any connection between the individuals at a community level. A large-scale public health exercise is being carried out to take blood from 1,000 patients who may only have been in the same ward as the others and had no physical or verbal contact with them. However, the testing is happening because we do not know how the hepatitis cluster arose.

The Minister for Health and Children has introduced legislation and is incredibly positive

regarding health outcomes. If it is black and white as far as she is concerned and she can deny a service to future patients on that basis, she should present her evidence to the Committee on Health and Children on Committee Stage and state why she came down so strongly in this regard. I am focusing a great deal on medical issues, but I am sure other Members will raise alternative points regarding the legislation. These are important, since the Minister for Health and Children is basing so much on them. She must come back and inform us what is going on.

I would also like to know what concerns were raised within the Department that criteria used for nine years were unacceptable. What has changed that has resulted in such concerns being raised? This morning we heard that, if there are patients of whom we are unaware, their number is approximately 100. I do not know why the Minister for Health and Children is making such major changes to legislation. Whom is she attempting to block out? Has the Department identified a cohort of people abusing this? Why is it marking people in this manner? If something has worked so well for nine years, why are we taking this route? Nothing in the Minister for Health and Children's press statement yesterday or any other statement that she has made thus far gives any indication of why she is taking this course of action.

If anything, this debacle was handled extremely well after enactment of the initial legislation. People have become more aware of what went wrong, and we have seen great changes to the Irish Blood Transfusion Service. Everyone has invested a great deal of time and effort in this, and I would like the Minister for Health and Children to tell us what she feels is so wrong that she must introduce what in some respects is extremely restrictive legislation, allowing no element of doubt regarding those who might be affected. Everything is black and white for the Minister, and I would like to know where she is coming from in this regard. She spoke of having received expert medical advice, and that is vital to every Member when she is coming down so hard on people regarding the shape the legislation is taking.

Why did she spring this legislation on organisations that have co-operated so fully with the Department of Health and Children in recent years? They have put their anger to one side and done their utmost to secure the best compensation, medical care and now insurance protection. That protection is for themselves and their families. I am surprised that it has taken so long and that they have been so patient when awaiting this legislation.

There is no doubt that there have been adverse events for some of the victims, who were first diagnosed as far back as 1995 or 1997. In the meantime, they might well have benefitted if the third strand of this legislation had been delivered within the last nine years of the current Govern-

[Dr. Twomey.]

ment. It was an unbelievably topical issue and very emotional for everyone involved rather than simply for the victims, who were directly and adversely affected. Many people shared their pain regarding what happened at that time. I am surprised it has taken so long for us to reach this point.

Regarding the consortium, the Minister tried to throw this in. Someone once said of her party colleague, the Minister for Justice, Equality and Law Reform, Deputy McDowell, that he likes to build up straw men so that he can pull them down, throwing irrelevant things into an argument and then trying to argue against what he has essentially created himself.

The Minister for Health and Children mentioned the issue regarding second and third partners as the reason for bringing forward the more restrictive legislation on section 2. Minors affected by hepatitis C and HIV, who are now reaching an age when they will form stable relationships, may already have become part of the system, but they may not be able, old or mature enough or have such a relationship.

If they have a first relationship after that date, the Minister will now deny any compensation to their partners. They were infected as minors but will suffer from hepatitis C and any other ailments later in life. They will also suffer emotionally and psychologically, since they will not be able to form the same sorts of physical relationships that all of us in this House are lucky enough to enjoy. This legislation, and especially the fact the Minister is attaching a limit, will restrict those people. This morning she threw in a red herring, and she should revise that part of the legislation.

Those are the big issues. In my speech today, I have focused on sections 1, 2 and 6. I have not raised insurance since, as I pointed out, the organisations involved negotiated a deal in a cool and collected manner and a spirit of partnership. That spirit and trust has now been broken by the Minister, and she and especially the Government must attempt to rebuild it rather than taking us back to the bad old days. This is her opportunity to do so. I am delighted Deputy McManus has put forward an opportunity for her and the 16 apostles on the Government backbenches who will now dictate Fianna Fáil policy to bare their teeth and stop this nonsense from going any further.

Ms Enright: In recent months, various Deputies have asked in the House when this legislation would be introduced. At that time, we all anticipated we would be able to welcome it. Unfortunately, we now find ourselves unable to do so. While there are worthwhile elements, the changes introduced are so fundamental that they cause serious difficulties for us regarding the Bill as a whole.

This issue has run for over nine years, and people have waited for a long time to achieve

finality. I know negotiations on this element have been ongoing for the last 18 months. However, if we are to try to put this in place, we should at the very least ensure that now, after nine years, we do it properly in a manner that addresses the real needs of those infected hitherto. It seems strange that, after negotiations, these changes should be introduced. My understanding of negotiation is that the parties concerned, in this case, the four parties representing those who were infected, would come together and meet the Minister to discuss what would be included in the Bill. It appears clear from the statement released by the Irish Haemophilia Society, the Irish Kidney Association, Positive Action and Transfusion Association that these groups were unaware of the changes the Minister was about to bring forward until 20 June 2006. This does not constitute genuine negotiation because these groups did not get the opportunity to discuss these changes.

In her speech, the Minister acknowledged that a significant difference of opinion exists but these groups did not get the opportunity to address this difference of opinion. Deputy Twomey dealt with the medical aspects of the case in a way I would be unable to do. I support his call for the Minister to publish all the advice she has received, particularly that relating to the ELISA test. Deputy Twomey pointed out that there appear to be no safeguards and no checks and balances in the system to ensure this is accurate. Regardless of whether safeguards exist in respect of the test, it must be asked whether those infected have endured enough at this point. It is wrong to require all new applicants to undergo these stringent tests when up to now, the word of a specialist in hepatitis C was sufficient.

In her speech, the Minister accepted that the State has an enormous responsibility in this area. It has complete responsibility. In light of this, it is all the more important that we pass legislation that fully addresses the needs of all those who suffered at the hands of the State, which is what effectively took place. The changes introduced by the Minister do not fully address the needs of these people.

Could the Minister in her closing remarks explain why it is necessary to wait until the life insurance and mortgage protection elements of this are completed before the travel insurance elements are dealt with? Can they not run in tandem the way the mortgage protection and life insurance elements do?

Under the scheme, the question of mortgage protection and life insurance for an infected person will be related to those of a person of the same age who is not infected. The term used in the legislation is "general person". Many infected people have been unable to obtain mortgage protection or life insurance up to now so to compare them to people of the same age who are not infected is unfair. It would be better to effectively bring it back because the longer a person has mortgage protection or life insurance, the

cheaper and more beneficial it is but infected people have not been able to avail of this to date. We are not comparing like with like because of the way mortgage protection and life insurance policies work.

I also echo the point made by Deputy Twomey about certain people who have been infected with hepatitis C but whose tests have proved negative so far. These people have very genuine and legitimate concerns as to whether they will lose out under the proposals introduced by the Minister.

In recent years, public confidence in the Irish Blood Transfusion Service has improved, an important development which we all welcome. However, issues remain in terms of the adequacy of blood supply and shortages that have been experienced at different periods of time, particularly during the summer. If we are to instill full public confidence in the Irish Blood Transfusion Service, it is important that the overall issues we are raising today, particularly those relating to sections 1, 2 and 6, are dealt with. While the service is receiving the media coverage it needs to sort out its problems, the affair still raises queries and concerns in people's minds about the service as a whole, which is a pity. The inclusion of these points causes difficulties.

I am sorry that I do not have the opportunity to speak further on this Bill but Deputy Twomey outlined Fine Gael's position very clearly. I ask the Minister to give serious consideration to the points we have raised; re-examine sections 1, 2 and 6; conduct genuine negotiations with the relevant groups; and give us the advice she has received.

Ms McManus: I move amendment No. 1:

To delete all words after "That" and substitute the following:

"Having regard to the fact that the Bill contains matters unrelated to the issues that were the subject of extensive discussions with interest groups representing affected persons and the additional matter adversely affects the interests of those persons and having regard also to the failure of the Minister for Health and Children to publish an explanatory memorandum outlining her reasons for including the additional matter, Dáil Éireann declines to give a second reading to the Bill."

I will explain why the Labour Party is tabling this amendment. This Bill is a betrayal of a small blighted minority of men and women who suffer sickness and stigma as a direct result of negligence by the State. Instead of providing protection, the State, in the case of the contaminated blood scandal, poisoned vulnerable people. In some cases, the effects were so terrible that people died. Other people have had to deal with serious ill health. When this scandal was exposed, the Irish people rightly demanded a compassionate and honourable response by the State to the

heartbreaking plight of innocent people so cruelly afflicted. All the Labour Party is asking is for today is for the same approach to be maintained in this legislation.

In their long struggle for justice, the survivors achieved certain rights and entitlements. These are statutory rights and entitlements that were enshrined in law in the hepatitis C compensation scheme because the then Minister for Health, Deputy Michael Noonan, did the right thing by these people. He endured vicious attack at times, particularly from Fianna Fail, in connection with his record. In light of that record, the treachery of Fianna Fáil and the Progressive Democrats in steamrolling through a Bill which dismantles some of those entitlements which were so hard and painfully fought for is striking. It is striking to witness how hypocritical and mean-spirited this Government attack on those who have suffered already and who are about to be marginalised and disempowered in this Bill is. We all understand that this is a Government which has lost touch with the people, but it is a new experience to realise that it has also lost touch with basic humanity.

In addition to being treacherous, this Bill is also dishonest. It was always meant to be a stand-alone Bill to provide a scheme of insurance cover for people who could not access insurance. The Bill was intended to provide for nothing else. It was a simple provision but it took a long time to evolve. We support that original provision. A person would want to be out of his or her mind to object to it. It is an important piece of the jigsaw which is long overdue. Insurance has been a long-standing problem for these unfortunate people, some of whom have died without it because there was no legislative framework to ensure they could access it. Others suffered losses connected to, for example, the cost of holidays, because insurance was denied them.

However, we should be clear that this Bill does not deal solely with insurance. It should be solely concerned with insurance but it is not. As far back as June 1994, Positive Action raised the issue of insurance with the Department of Health. Since then, the four organisations representing the people affected — the Irish Haemophilia Society, the Irish Kidney Association, Positive Action and Transfusion Positive — have been engaged in protracted negotiations.

In December 2004, the Tánaiste gave a guarantee that the insurance proposal would be presented to the Government in early January of this year. What followed was extensive correspondence from the organisations in their attempt to get the Government to live up to its commitments. The process was so slow and painful, it resembled tooth extraction, but these organisations were present to assist that process at all times.

Let us remember the commitment required. On the one hand, there is a Government with the resources of the Parliamentary Counsel, Mini-

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sters, Ministers of State, civil servants and expert groups and, on the other, there are small organisations that are to a great extent dependent on *pro bono* efforts and whatever resources they can acquire. That the organisations commissioned legislation, which I have with me, displays how committed they are to ensuring that this issue is resolved. To this day, they make the point that they are willing to sit down with departmental officials to resolve issues that have arisen. The generous and proactive approach they have adopted is in stark contrast to the defensiveness and lack of information and accountability marking the approach of the Tánaiste and her Department.

These people were treated disgracefully. On 20 June 2006, the organisations were given a copy of the Bill for the first time. Following their perusal, they issued a statement as follows:

The Tánaiste and Minister for Health and Children published the above Bill on 20 June 2006. The Department of Health had been in negotiations with the above groups to provide a scheme to provide insurance for persons affected with Hepatitis C and HIV so that they could obtain insurance on the same basis as healthy persons.

Regrettably, the Tánaiste proposes in the Bill which is to come before the Dáil on Thursday, to make fundamental amendments to the Hepatitis C Compensation Act 1997 which will significantly limit the categories of persons entitled to make claims for compensation and for provision under the health code. Our groups were not informed until 20 June of these radical proposals which are unacceptable and should be opposed.

The organisations wholeheartedly engaged in a lengthy, drawn out process in the interests of their members and the people they represent. I can only imagine the disappointment they felt when they read the Bill because it was supposed to be a cause of triumph and celebration. The Tánaiste should be getting plaudits for what she did, as that would have been the context in which any right-minded person would have expected the Bill to be published. When the Tánaiste announced she was publishing the Bill, she did not mention these fundamental amendments which are opposed by the organisations representing those severely affected. It was to the astonishment of those groups that the legislation was not an insurance Bill. It was about——

Ms Harney: On a point of order, I mentioned the ELISA test in my press statement. The Deputy is not correct.

Ms McManus: The Tánaiste did not mention there would be amendments that would affect people in ways that are now clear.

Ms Harney: The amendments do not affect anyone in the process.

Ms McManus: If the Bill is passed, young people will be excluded in terms of the loss of consortium, which I will address shortly. The Bill was about an insurance scheme, but it is also about more than just insurance. It is telling that so far removed from the original intent is it, the Title does not mention the word “insurance”. The Bill is the Hepatitis C Compensation Tribunal (Amendment) Bill 2006.

I have just received a copy of the Government’s amendments, which will change the Title. I do not know if such is common practice, but I have never witnessed it previously. The first amendment, with which we will deal tomorrow, displays the Government’s opinion, namely, that the Bill is supposed to be about insurance, but it forgot to include the word “insurance” in the Title. The amendment to the Long Title in page 3, line 8 is to insert a provision for the establishment of an insurance scheme to enable certain persons diagnosed positive for hepatitis C or HIV to be provided with certain classes of insurance that would otherwise be unavailable to them or available only upon the payment of higher premia.

This amendment reveals more than anything else that there is an agenda. I do not know whether it comes from the Attorney General’s office or elsewhere. Frankly, that is immaterial. The agenda is meant to contain, control, restrict and limit. Those limits and restrictions are being placed on people who have suffered and continued to suffer, but I do not know what the purpose of doing such is. If we were discussing large numbers of people, we could refer to political priorities and whether money could be allocated. We all understand that a certain rationing must take place in terms of resourcing, especially in the health service, but we are not discussing large numbers. Rather, we are discussing a tiny number within a tiny portion of the population.

At the most, passing the Bill would provide only a small gain to the Exchequer. In no way could that gain be commensurate with the pain endured by people or their anxiety now that we are considering a Bill made in bad faith. Promises have not been honoured because a sneaky set of amendments were inserted at the last minute by some sharp lawyer. Those amendments have altered the nature of the Bill.

I have the highest regard for the Tánaiste and do not wish to attack her unduly. However, that she could argue in the House that this Bill is about insurance while ignoring that it is about much more than that is not to her credit. We must remember that this Bill is about denying sick people their rights to compensation, including for loss of consortium, and their rights to medical cards.

From her comments on the Order of Business, it is shocking that the Tánaiste was not aware of

the provisions in her own Bill and how penal they would be to certain categories of hepatitis C and HIV sufferers. Her negligence is due to her ignorance, but this in no way absolves her from responsibility. She appears to be ignorant of the fact that not only is the Bill dishonest, in terms of consortium it specifically discriminates against minors who are infected. Children who were infected, passed the ELISA test and may have gone through the tribunal process are entitled to compensation for loss of consortium for their future spouses, but this Bill will strip them of that entitlement. After the harrowing history, they are losing rather than gaining ground and are being told to move back. That is not acceptable.

Before preparing for this debate, I was not aware what consortium meant. The Tánaiste helpfully defined it as “the living together as husband and wife with all that flows from that relationship including companionship, the rendering of services, sexual intercourse and affectionate relationship between spouses”. What is life all about if not that? This issue relates not only to individuals’ health but also to the effects of their loss of health on those who love them. The ability to claim for the loss of consortium is a statutory right. If everything were right with this story, nobody would ever be able to claim that right because there would not have been any loss.

This is a story about the terrible loss suffered by individuals and their loved ones. Anybody who has read the Lindsay report is aware of the agony endured by those people whose loved ones were ill or dying in a situation where people did not understand what was happening to them and where there were all types of prejudices and stigmas. Some of that stigma persists to this day. That is why it is so important that this Bill should be referred back to the Department and returned for our consideration only when it has been cleansed of all these negatives. If that is done, we can then support the legislation, grateful to the Minister for providing the necessary assurances to those who have suffered.

That is what we are here to do. Parliaments are supposed to do the right thing; they are not supposed to do wrong. Although we may sometimes unwittingly make mistakes, the victims’ groups have pointed out those mistakes in this particular case. They are asking us to put this right and it is up to us to do so. If the Minister is willing to excise the offensive sections, there is no question that she will have unstinting praise. Even at this late stage, I hope there is some recognition of what must be done.

One can look for hidden agendas and for clues as to what may be going on. It is significant that the information was not given to the groups prior to 20 June. The absence of an explanatory memorandum is a further indication that all is not as it should be. None of us is a parliamentary draftsman and we all require clarity in regard to legislation. For media persons, whose job it is to trans-

mit accurate information to the public, explanatory memoranda are just as important. That is how the process of translation works. Without it, we are at a grave disadvantage. In this case, where other elements were slipped in sneakily under the guise of an insurance scheme, there was no explanatory memorandum to alert us to this fact. I confess I did not appreciate what was being done in this regard until quite late. As an Opposition Member and Labour Party spokesperson on health, I am grateful to all the organisations for providing the valuable information that has guided us in what must be done.

I do not have the medical expertise of Deputy Twomey but I broadly understand the points he made. No test is 100% accurate. Reference is made in the Bill to the ELISA test. I am unaware of another instance in which a specific medical test is mentioned in legislation. What I am more sure of than anything else in the area of health is that technological advances are taking place so quickly that within six months of this Bill being passed, there will be a better test that will identify those persons whose condition will not be detected by the ELISA test.

Ms Harney: The Bill provides for that eventuality.

Ms McManus: That is not clear in the Bill. The ELISA test is set as a yardstick.

Ms Harney: It is provided. I am trying to be helpful.

Ms McManus: I ask the Tánaiste to listen to what I am saying because I have received legal advice on this. This advice states:

You have no doubt noticed that not only does the amendment in the Bill narrow the definition of a positive diagnosis to the presence of markers but the only alternative provided is a record of jaundice, and you will recall that it is possible to have subacute hepatitis without any apparent jaundice.

I am neither a lawyer nor a doctor but I know enough to be aware that what is happening here is wrong. As long ago as the publication of the Finlay report we knew there were people who did not fit neatly into a particular categorisation and were not easily tested. In such cases, there was no scientific test that would allow a specialist to say definitively that the person had hepatitis C and that the source was evidently a contaminated blood product.

Page 176 of the Finlay report states: “However, we now have evidence that it is also possible, although apparently rare, for a person to be infected and subsequently lose both detectable virus and indeed detectable antibodies.” Deputy Twomey has pointed out the limits of the ELISA test in this regard. This is what happened in the case of the person identified as “Donor Y”. The

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Finlay report goes on to state: “While we have no laboratory means of identifying these persons, we have, however, taken a history of symptoms or signs for those who received BTSB anti-D.” In other words, people were listed on the basis of their symptoms. That is how the matter was determined by Finlay.

I welcome the establishment of the insurance scheme. Although we have tabled some amendments, there is no great difficulty with it and I am pleased the HSE is to manage it. This represents a long awaited vote of confidence in the executive. It is entirely unnecessary that the nursing home repayment scheme, for example, is being contracted out to a private company. However, I remind the Minister that problems remain in regard to accountability. I sent a letter to the HSE last August and received a reply only last week, which reply came from the Department rather than the executive. We have not yet reached a satisfactory situation in regard to speedy responses. If the HSE is to process this scheme — as it should — it must ensure efficient methods are in place for providing information, dealing with claims and so on. It is well able for the task.

To return to the issue of the loss of consortium, the Tánaiste spoke this morning on the Order of Business about second and third relationships. This is something of a canard. We are talking about young people who are growing up in the shadow of this condition. This shadow will linger over their future whether they marry, have a same-sex relationship or whatever. That shadow will always be there. They are the people who are being excluded in this Bill from access——

Ms Harney: They are not excluded.

Ms McManus: There are requirements in the Bill. The Tánaiste read them out.

Ms Harney: That is not true.

Ms McManus: The section is quite specific about people having to fulfil certain requirements.

Ms Harney: The persons to whom the Deputy refers are entitled to full compensation.

Ms McManus: Not if they do not fulfil the requirements the Tánaiste has set out in the Bill.

Ms Harney: They are very limited.

Ms McManus: The Tánaiste has set out limiting requirements.

Ms Harney: The consortium limit relates to the person with whom they form a relationship post-diagnosis. We are not talking about the individual; they will get full compensation.

Ms McManus: I am not arguing about the people who are within the remit of the Bill but about the people who are outside it. It is interesting the Minister does not appear to be able to take on board the fact that it is the people outside the provisions of this Bill who concern us. We are delighted for the ones included in it. Good luck to them. However, our concern is for the people who have been marginalised, or will be if this Bill is passed, and who should not be.

This is not just a case of me being political, although I do not see the point of complaining about politicians being political. This is about organisations who are by now experts on this issue, such as Positive Action, the Irish Haemophilia Society and the Irish Kidney Association.

The Irish Haemophilia Society has stated that during the course of the long negotiations and discussions between the representative groups and the Department of Health and Children there was never any indication that the Government intended to draft legislation which was not stand alone and which would, in fact, attempt to change the parameters for the existing 1997 and 2002 compensation Acts. The society points out that if these sections are not deleted it will mean some individuals will be disintituled to enter the hepatitis C compensation scheme. The numbers are not large but they are significant and the groups cannot disenfranchise any group no matter how small their number may be. Among those who would suffer would be persons who had hepatitis C but never had a positive ELISA test. Minors who were affected with hepatitis C at a very young age would be discriminated against with regard to the ability of their future spouse or partner to claim a loss of consortium.

I thought I would not require half an hour for my contribution but, in fact, I will have to limit my comments. Judge Finlay, in the introduction to his report of March 1997, said a few words that are worth recalling:

The examination of the individual human suffering and hurt occasioned by the infections of Anti-D and other blood products with hepatitis C has been for all of us who have been engaged in the work of this Tribunal, a deeply distressing and very emotive experience.

Our task however has been to ascertain the facts which have been referred to us and reach the conclusions requested in an entirely detached and unemotive manner leaving aside great sympathy felt for the victims.

That task has been eased by the courage and indeed moderation with which the victims have given their evidence and by the wholehearted cooperation which has been afforded to the Tribunal by all parties involved in it and by their legal representatives.

That is quite striking. That is the record of the organisations who are asking us to rectify this Bill. Let us remember where we are coming from. The people who suffered so much showed moder-

ation and a willingness to co-operate. They are still willing to co-operate but they seek the deletion of the sections of the Bill that offend them and members of this tiny community. That is all they, and we, seek. They are happy to negotiate.

Let us get on with the business of providing insurance and we can return to the matter if there are issues that can be dealt with in a compassionate way. The Finlay report was accepted by the Oireachtas. The legislation that flowed from that report was accepted and passed by the Oireachtas. Why is the Minister trying to row back on a few basic rights and entitlements that mean a great deal to the people concerned? We who are healthy do not have to worry about these matters. We can only use our imagination. I ask the Minister to accept our motion. She should refer the Bill back to the parliamentary draftsman and excise the parts that are offensive and will have a negative impact on the entitlements people have under the law. That is all we ask and we will applaud the Minister for doing that.

Caoimhghín Ó Caoláin: I am sorry that the Tánaiste must leave. I had hoped she would stay for the duration of the debate. I wish to share time with Deputy Gormley and Deputy Catherine Murphy.

An Leas-Cheann Comhairle: That is agreed.

Caoimhghín Ó Caoláin: Yesterday, representatives of the Irish Haemophilia Society, the Irish Kidney Association, Positive Action and Transfusion Position had to come to the House and spend long hours lobbying against the passage of this Bill, as presented by the Tánaiste, Deputy Harney. They should have been here today to witness the fruits of many years of hard work and campaigning on their part. Instead, the experience they are now going through must be compounding the many years of hurt for them and their loved ones.

These groups represent the people who were infected by contaminated blood and blood products — blood transfused into their bodies by an agency backed by the State, an agency people had every right to trust. That trust was cruelly betrayed. People have died as a result. Many more have suffered and continue to suffer. Their lives have been blighted and their life expectancy has been dramatically curtailed. They and their families have gone through and are still going through what can only be described as a living hell.

It is disgraceful that these people have had to lobby and negotiate for the past nine years, since 1997 and throughout the terms of office of this Government, to obtain legislation to provide a scheme of assistance with insurance. Such a scheme would allow people infected with hepatitis C and HIV to obtain insurance on the same basis as healthy members of society. With other

Deputies, I have repeatedly raised the need for such legislation in the Dáil. When the Government's legislative programme was published on 24 April this year we welcomed the fact the Bill was finally on the way.

In that programme, the Bill is described as a Bill "to amend the Hepatitis C Compensation Tribunal Acts 1997 and 2002 in order to provide for the establishment of an insurance scheme for persons who have been infected with Hepatitis C or HIV from the administration within the State of blood or blood products". However, the Long Title of the published Bill describes the Bill as an Act "to amend the Hepatitis C Compensation Tribunal Acts 1997 and 2002 and to make a related amendment to the Health (Amendment) Act 1996". There is a significant difference between the two. I note also that while the title of the new Act is to be the Hepatitis C and HIV Compensation Tribunal (Amendment) Act 2006 as described in the explanatory note circulated to Members of the House after the commencement of the Minister's contribution to this Second Stage debate this morning, at the Order of Business this morning the Minister was of the opinion that we had already received the Explanatory Memorandum with the text of the legislation. It is a shambolic way to go forward with legislation of such import.

The Title of the Bill presented does not refer to HIV. Section 7 genuflects to this very important focus of the legislation, stating "This Act may be cited as the Hepatitis C and HIV Compensation Tribunal (Amendment) Act 2006." The reference to HIV should not be optional. It is an integral focus of the Bill and should be boldly referred to in the Title at all times. Who seeks to shroud the full purpose of this legislation? Deputy McManus has already pointed out the failure to even acknowledge its key purpose and has rightly drawn the House's attention to the first amendment presented by the Minister for tomorrow's Report Stage debate.

When the groups read the detail of the Bill they were shocked to find they had become the victims of what can only be described as a legislative ambush by the Minister. Instead of providing the insurance scheme as promised and leaving it at that, the Minister has used the opportunity to make other far-reaching amendments to existing legislation. The effects of these amendments will be discriminatory and, if enacted, will represent yet another betrayal of people affected by contaminated blood products.

The four groups have stated the case very well. Like other speakers, I am grateful to them for highlighting the totally unacceptable sections of this Bill which must not be enacted. The Bill makes fundamental amendments to the Hepatitis C Compensation Tribunal Act 1997 which will significantly limit the categories of persons entitled to make claims for compensation and for provision under the health code. The groups were not informed until 20 June of these radical pro-

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posals which are unacceptable and should be opposed. The Minister proposes that persons infected with hepatitis C are to be identified solely by scientific tests, whereas currently a clinical diagnosis of hepatitis C is accepted by the tribunal and the High Court and for all other purposes such as entitlement to health provision. What the Minister proposes now is that although a person has had an identified infected batch of blood or blood product such as anti-D and such person has symptoms compatible with HIV infection that person will no longer be able to establish entitlement to compensation and to special health provision. In 2002 the then Minister for Health and Children, Deputy Martin, brought in an entitlement for the spouses and partners of hepatitis C and HIV sufferers to make claims for compensation for loss of consortium, in other words, for the damage caused to their relationship with their partner as a result of his or her infection with either of these communicable diseases. The Minister now proposes to exclude certain categories of person from such entitlement. The spouse or partner of a young person infected at birth with hepatitis C was entitled to claim compensation up to now. Such partners and spouses will now be excluded and, no matter what protest the Minister makes, that is the truth.

The groups have described this as a grossly insensitive and retrograde proposal. They have described the proposed changes as surprising and restrictive amendments to the existing code for which there is no rational basis or public demand. They have asked for the support of all Deputies from all political parties and all Dáil groups for their position. I hope the Members on the Government side will heed that call and use their influence to get these obnoxious sections struck out. In regard to the major party, which now has a new arrangement for policy decision making, will those who were so vocal recently ensure that their party in Government will respond to the call of these affected groups and victims?

Sections 1(b), 2 and 6 of this Bill represent a legislative ambush. These are totally unacceptable provisions, piggy-backing on the central and long overdue provisions for insurance. These people want the insurance scheme set up as soon as possible. It is literally a matter of life and death for them and for their families. I call on the Minister not to go ahead with the Committee and Report Stages of this Bill tomorrow, to take out the offending sections, bring the Bill back next week without those sections, go ahead with the insurance provisions and fulfil her obligations to these people. Anything else will be nothing other than an act of gross bad faith.

Mr. Gormley: Like other speakers, I spoke yesterday to a number of the lobby groups who came to this House to speak directly to us because of their concerns about this legislation. I was struck

by their common sense, their intelligence and their remarkable good humour in the face of adversity. I asked myself afterwards if I could be so good-humoured in the face of so many difficulties. I do not think I could. I would be angry at the cold-hearted, penny-pinching bureaucracy. I would be angry at the insensitivity of this Government. I would be angry at the incompetence of the State's health service and the lack of accountability. However, these people have had many years to be angry and at this stage what they are trying to do is rebuild their shattered lives. The Minister is not making this rebuilding process easy. She is making it extremely difficult.

Throughout our lives we sometimes bring things upon ourselves when we make specific choices. In this instance the tragedy of these people's lives was not brought about by them but by the State and I am struck by the total lack of compassion on the part of this Government. These people are seeking justice. What we have here is a very peculiar inversion. The victims, in this case, are the guilty ones, and they are the prisoners of their own illness. I appeal to the Minister to set these people free if she believes in justice, and if there is a compassionate bone in any of the bodies on the Government side of the House.

I think back to the very early days of hearing about this issue. I think particularly of the days of Charles J. Haughey when an election was forced upon us. It was the first time the Minister of State's party was in Government. I think about the recklessness of the pharmaceutical companies and the hard heart of the State. There was also a lack of accountability.

There are Ministers who have the courage to stand up to their officials. Deputy McManus asked earlier who was driving this issue and what the motivation was. The officials in the Department drive the agenda. However, a good and courageous Minister will stand up to the officials, recognising that there is a deep injustice. I do not see the Minister, Deputy Harney, doing so. We have heard that she previously stood up to vested interests and that she is a politician of conviction. I do not see that conviction here.

She has left the Chamber now, but perhaps it is not too late and the Minister of State, Deputy Tim O'Malley, can speak to her. I hope the Minister will not adopt a Margaret Thatcher type of attitude of not caring and that it does not matter what these people say. I hope there will be a dialogue and the Minister will listen to the sound arguments.

I took grave exception to the Tánaiste accusing those of us expressing concerns of playing politics. We are not playing politics. We are politicians representing the views of those of us who spoke to us yesterday. These people have genuine concerns.

I support the Labour Party motion. Like some previous speakers, I am not a medical expert or an expert on this issue. I am happy to listen to

experts and those people who have been infected and whose lives have been radically changed. I spoke to Mr. Brian O'Mahoney and it is interesting to read from his memo on this legislation. It indicates clearly that this issue was always meant to produce a stand-alone Bill. The memo states:

During the nine years of discussion and communication in relation to this, there was never any mention of linking this to the hepatitis C compensation scheme. Despite this, when the Bill is published we now see that it is linked to the hepatitis C compensation scheme, and the insurance Bill is being used to retrospectively change some of the provisions of the Hepatitis C Compensation Tribunal Acts of 1997 and 2002. This will mean that some of our members and some members of other groups — Positive Action, Transfusion Positive and the Irish Kidney Association — will be disenfranchised and prevented from taking part in the compensation scheme.

We have heard from previous speakers and it is very clear at this stage what these various groups want. They want a stand-alone Bill. I have put down amendments to the effect that sections 1(a) and 1(b) must be deleted, along with section 2 and section 6. That is clear.

I have stated that I am not an expert, but I wish to discuss the ELISA test. I did not know what the test was, and although I knew what a consortium was, it was a different type. The information we have is that this test is not conclusive. There have been many instances where people were diagnosed and later found not to test positively.

A letter was sent to the Tánaiste by Detta Warnock of Positive Action, dated 15 February 2006. It was in response to a letter from the Tánaiste. A relevant section of it states:

Following a targeted look-back programme by the IBTS informing all women who received an infectious batch but who had tested negative on the original screening or maybe were not screened in 1994, we have had a number of new members in the category "women who received a contaminated batch but are currently testing negative to hepatitis C". The maximum number this could be is 3,358 relating to 1977 and 17,429 relating to 1991-94.

However, we have only a very small number on our database, approximately 40. These women are suffering from severe bad health which has been continuously documented over the years, following receipt of contaminated anti-D. We are only requesting that you consider those who have a retrospective diagnosis from their consultant hepatologist.

That is the request, and there is room here for reasonable compromise. I do not understand why the legislation is being rushed through in the second to last week of the session. There are clear issues here, where the people directly affected

have major concerns. It seems the Government will simply ignore them.

I stated earlier that this reminds me a little of the time of Mr. Haughey, who has passed away, and his attitude. It seems that the same attitude is prevailing here. At the time, Mr. Haughey did not refer to people with haemophilia but spoke in terms of the Government's fiscal policy being undermined. He stated that "the Government would not tolerate any attempt to undermine its authority in financial matters." It seems that we have not learned anything. What we are discussing here are financial matters when we ought to be speaking on people's health.

Ms C. Murphy: I do not take it lightly when groups such as Positive Action, Transfusion Positive, the Irish Haemophilia Society or the Irish Kidney Association contact me on an issue such as that which we face today. As far as I am concerned, those groups are experts because they are connected to people living with the problem. There is nobody with more expertise than those who live with this problem. While the broad thrust of this Bill is important to victims of contaminated blood, there is no doubt there are problems in it.

I had good reason to pay close attention to this scandal when it emerged in the 1990s, as I had received some anti-D injections. Like other women, I was happy to receive the product to prevent problems occurring with subsequent pregnancies. A decade or two earlier, such a remedy was unavailable to women. Some women would have lost full-term babies as a consequence. The last thing a woman who had given birth and received an anti-D injection would have contemplated was that they, their partner or subsequent children would be infected.

After I received the anti-D injection in the years between the mid 1970s and the 1990s, I was tested. I was one of the fortunate women who had no negative implications. However, I was tested at the same time as women with whom I was friendly or acquainted. Some of them have experienced the most profound consequences. In some cases lifestyles have been modified and social lives drastically changed. This has had an impact on relationships and some have not survived the additional problems facing those families. This is not an insignificant difficulty and it is important that it is included in the consideration of this Bill.

Some women have suffered severe consequences as a result of the illness and also of the medication. They may have feelings of guilt when one of their children is contaminated. The four groups stated yesterday that victims do not wish to be excluded. Their statements highlighted the core of the problem, which was that they were not listened to. The official mindset of that time might still have an impact today.

The year 1997 seems to be significant in terms of Dáil debates on the subject. I refer to contri-

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butions made by Deputies Cowen and O'Donnell in 1997. Deputy Cowen subsequently became Minister for Health. He referred in his contribution to Deputy Noonan, then Minister for Health, and stated:

At the time he made that announcement, he never mentioned health care which was and remains a primary consideration of victims. The Minister continues to believe that this was all about money and lawyers. It was a flawed belief on his part and explains much of his mishandling of the affair.

The compensation scheme continues to fail a fairness test on many counts but the Minister has resisted, despite numerous Dáil debates and calls from victims to make any substantive changes. This Bill at last delivers on the promise in the programme for Government to pay fair compensation, but it is only happening now, over two years and four months on, in the dying days of this Administration.

In the same contribution Deputy Cowen stated:

It has also been a concern of transfusees, where their medical records are destroyed or where donors have not returned since 1 October 1991 when testing was introduced, that they are not in a position to prove in the normal fashion that they positively received an infected blood product or an infected transfusion. This is something about which Transfusion Positive lobbied extensively before the *ad hoc* tribunal began its hearings. The *ad hoc* tribunal has worked in a satisfactory manner to date for transfusion victims in relation to the manner in which the standard of proof is applied, that is, the balance of probability.

It is ironic that the groups in question only had sight of the Bill in the past week on 20 June 2006. I agree with Deputy Cowen that there was a failure to understand and a failure to listen and this failure is being repeated.

Deputy O'Donnell stated in 1997:

Sadly, it has been a feature of this Administration's handling of the matter that all concessions have been wrung from it and we have not seen a generosity which derived from the Government's own sense of moral or legal responsibility to the victims

It is no thanks to the B.T.S.B. that there are not 60,000 women infected with hepatitis C. Sixty thousand women were screened, but many have not been screened. Some infections may be dormant, or transient, or may have cleared. We know that 1,600 women are infected.

Deputy O'Donnell further stated, "It appears some women have liver disease but are not testing positive for hepatitis C." This was acknowledged in 1997 by a member of the Progressive Democrats and a colleague of the current Minister for Health and Children.

The experts who say there are problems associated with this Bill must be heeded. We are unsure of the amendments which the Tánaiste proposes and the House needs to be informed before the end of this debate tomorrow so that Members can make a judgment call on the changes in the Bill.

Mr. Kelly: There is no doubt that what happened regarding hepatitis C is the greatest public health tragedy since the foundation of the State. Large numbers of persons were infected with an incurable disease which has changed their lives and prospects as well as their family and work relationships. No monetary support or compensation can ever undo the damage. However, we as legislators must do what we can to make life easier for the victims. I offer my sincere sympathies to the families affected. It was an absolute disaster.

This House has already enacted two Acts to deal with this tragedy, the Hepatitis C Compensation Tribunal Acts 1997 and 2002. This Bill seeks to establish a statutory scheme to address insurance difficulties experienced by persons infected with hepatitis C and HIV through the administration within the State of blood and blood products. It is a vital measure designed to give further support to people diagnosed with hepatitis C and HIV as a result of the administration of contaminated blood products.

The consultative council on hepatitis C is the statutory body established to advise the Minister on all aspects of hepatitis C. Millions of people all over the world have this virus infection and most people with hepatitis C live as long as anyone else. Many never develop serious problems but some will need active treatment at some stage of the illness. A small number of people with hepatitis C have progressive liver disease that does not respond to existing treatments. However, doctors are making real progress in finding better treatments. Nonetheless, since 1997 it has been obvious that the inability of those infected to buy life assurance or mortgage protection policies is further compounding the damage they had already suffered. These people have suffered enough. On the enactment of the Bill, three types of recompense will operate. To date, the Hepatitis C and HIV Compensation Tribunal awarded more than €660 million to approximately 2,000 people. Of these, approximately 1,000 were anti-D recipients and approximately 700 were transfusion recipients, renal patients or persons with haemophilia. The remainder were secondary claimants or dependants entitled to claim under a range of headings including "loss of consortium", "loss of society" and "carer's expenses".

Those who contracted hepatitis C through the administration within the State of blood or blood products are entitled to a special card under the Health (Amendment) Act 1996. This is termed the "HAA card". HAA cardholders are entitled to avail of a range of services and products with-

out charge including general practitioner services, prescribed drugs, medicines and appliances, dental services, ophthalmic services, home support, home nursing, counselling services, physiotherapy, chiropody and podiatry. The Bill adds life assurance support to the entitlements of cardholders which will cost an estimated €90 million to provide over the life of the scheme. I applaud the Government on the introduction of a life assurance scheme which no other country has put in place. The Bill demonstrates the State's commitment to working with the victims of infection to provide every possible support. The scheme will cover the insurance risk of more than 1,700 people who are entitled to avail of assurance products, irrespective of any other medical condition, on payment of the standard premium paid by an uninfected person of the same age and gender.

To ensure a consistent approach to all three supports, Government agreed to define hepatitis C diagnosis in the Hepatitis C Compensation Tribunal Acts 1997 and 2002 and the Health (Amendment) Act 1996 in accordance with the scientific ELISA test. Alternatively, if a person has displayed symptoms of acute infection with jaundice up to 16 weeks after the administration of an infective agent, the resultant infection also comes under the terms of the Act. While the ELISA test has had its doubters, the Tánaiste pointed out this morning that there has been significant progress in its development. A similar scientific test definition for Hepatitis C diagnosis is used in other jurisdictions where compensation schemes operate including the United Kingdom and Canada. The sections of the Bill setting out the definition of a diagnosis will not affect claims already made to the compensation tribunal. Symptoms linked with hepatitis C include tiredness, aches, pains and depression, some of which are common to a number of conditions not associated with the disease. To ensure the support schemes operate in a fair and equitable manner and that those determining eligibility use clear consistent criteria, it has been decided that diagnosis will be determined by means of an internationally accepted test. We should remember that the expert group on hepatitis C, chaired by the Department's chief medical officer and including leading liver consultants and a member of Positive Action, agreed in 1998 that eligibility for the Health (Amendment) Act card should be based on a positive diagnostic test for hepatitis C.

The objective of the scheme set out in the Bill is to provide reasonable access to the insurance market, within certain limitations, to those for whom the cost is prohibitive or cover is unavailable. From its inception, the Consultative Council on Hepatitis C highlighted the obstacles people encountered in obtaining insurance cover. The Department of Health and Children sought advice from life assurance experts on the feasibility of developing an insurance scheme, the parameters of which were established in a sub-

sequent phase of work. In devising the draft scheme, officials worked closely with the representative groups to agree its provisions. On foot of representations by the Irish Haemophilia Society, it was agreed that the small number of persons infected with HIV only would also be eligible for support under the scheme. Most persons with haemophilia who are infected with HIV also have hepatitis C.

For insurance purposes, persons with hepatitis C and, or, HIV fall into two categories. While those in the first category can obtain insurance, it is only on payment of increased premiums. Those in the second category are deemed by the insurance industry to be uninsurable. The Bill provides that the State will pay the additional risk premium where a life assurer is willing to provide cover subject to an additional premium or assume the risk of the life cover where an assurer is unwilling to provide cover to an applicant. In each case, the person requiring insurance will pay the average basic premium an uninfected person of the same age or gender would pay. The scheme will be administered by the Health Service Executive and made available in respect of all standard life assurance policies offered by those life companies authorised to transact life assurance business in Ireland that choose to take part. The scheme, which will be administered under the aegis of the Health Service Executive, will be available in respect of all standard life assurance policies offered by life companies which are authorised to transact life assurance business in Ireland and who choose to take part in it. Life assurers who wish to take part in the scheme will enter into an agreement to abide by the rules of the scheme, which will also provide for appeal in the event of a dispute.

The parameters of the scheme mean life assurance with maximum cover of €400,000, or seven times the earned income of the eligible participant or his or her partner, or both, in respect of the tax year in which the proposal is submitted and up to a maximum of €500,000, will be available to the age of 75. These sums will be indexed to keep pace with the consumer price index.

Also being provided up to the age of 75 is mortgage protection cover on purchasing, changing or improving a primary residence, up to an overall maximum of the average house price in Dublin plus 25% or €375,000, indexed in accordance with the TSB/ESRI Dublin house price index.

For an initial period of 12 months from the commencement date or, if later, three years from the date hepatitis C or HIV is diagnosed, all persons with hepatitis C or HIV will be entitled to apply for cover under the scheme. After that, a waiting period will apply, during which full cover may be phased in over two years for the under-50s and three years for over-50s.

In order to ensure equity there will be an open period for young people, who are not ready to

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avail of insurance or mortgage protection at this time, until the date of their 30th birthday.

The maximum age of entry into the scheme will be 65 and the age at which cover will cease will be 75. However, persons aged up to 75 will be able to take out insurance cover in the first year of operation of the scheme.

On the question of consortium, the Bill proposes to clarify that compensation will be awarded to spouses and partners of persons where the relationship had commenced before diagnosis of hepatitis C or HIV. New partners or spouses of infected persons who knowingly entered relationships after the diagnosis of hepatitis C will be unable to claim damages for loss of consortium. However, other headings of claim for compensation by persons in this category, such as loss of earnings, loss of society and post-traumatic stress, will not be affected by the amendment.

We must acknowledge in the strongest possible terms that the infection of people with contaminated blood products was catastrophic for them. No monetary support or compensation can ever repair the damage done. However, Ireland is doing more for victims than other countries in similar circumstances.

Ms Lynch: Where?

Mr. Kelly: Accordingly I wish this Bill a safe passage so the many people who are deprived at the moment of access to the insurance market because of their hepatitis C or HIV infection can avail of insurance products.

Today I was contacted by the Irish Haemophilia Society and I have passed on its concerns. Our health is our wealth and we must treat all cases with the care, attention and dignity that a person deserves. People must come first at all times in our health services.

Mr. Durkan: I propose to share time with Deputy Hayes. I have considerable concerns about this Bill. Despite what the Tánaiste said in the House this morning, and her protestations to the effect that it represented an improvement on existing legislation, I am not so certain, nor are many women around the country. Because of the history of hepatitis C over the past ten years in this country we must be careful not to exclude or impede any person who received contaminated blood treatment, notwithstanding they may have since tested negative because that does not necessarily mean they will remain unaffected.

There now exists a group of women who have experienced consistently poor health over a long period of time and who are concerned they will remain that way. Whether these women, or their spouses or partners, contracted the infection by primary or secondary means is immaterial. The initial problem arose because they followed to the letter a procedure as advised by the State, medi-

cal practitioners and the Department of Health and Children. As a result, they and their families' health suffered dramatically.

The Government will require an ELISA test, which it states is the definitive test to determine eligibility. That may well be the case and it may draw a line in the sand but that line will not apply to all potential sufferers, including those who might be discovered at a later stage. Whatever the protestations of the Tánaiste that is a fact of life.

The trauma and, in some cases, the death of those who were diagnosed and suffered in the past are well-known. We all know people, friends and constituents who received treatment and continue to receive it. They have undergone chemotherapy and still do so. Many have lived for the past ten years with the clear knowledge that they will never have good health again and that there was serious doubt about their long-term health prospects.

I do not care what are the logistics. In such a situation we have a duty as legislators to reassure people that what happened before cannot happen again. More particularly, we must also ensure that any entitlements they have, whether to insurance or anything else, are protected so they are not penalised, excluded or in any way further punished for doing the right thing. They were asked to accept the treatment, which they did, and they have paid for it ever since.

As a medical practitioner, the Ceann Comhairle would be more familiar with this type of situation than the rest of us. I am also quite sure he is very conscious of the concerns of the women who suffer from hepatitis C as a result of receiving anti-D. Their families, including their extended families, have suffered and continue to suffer.

I referred to long-term health prospects and life expectancy. These people followed approved medical advice and paid the price. Any intervention of this stage must take full account of what might happen over the next five years. There will probably be more cases. Correspondence from Detta Warnock expresses concern that there are a number of women who, along with their families, may find themselves at a disadvantage following the passing of this legislation. They will be added to that list of people who have paid a high price. Why should that happen? Why should we countenance such legislation brought into the House in the dying days of this session? This issue requires debate over a longer period. We must consider the experiences of the past and the likelihood of recurrences. The Tánaiste contradicted this earlier but there is other opinion. Who is right and who is wrong? In those circumstances, one must err on the side of safety and protect the people who so far have not been protected or those who are likely not to be protected in the future by virtue of the passage of this legislation.

I had the sad experience of attending the funeral of the late Mrs. McCole. It is a memory which will stay with me for the rest of my life. A full church witnessed the procession of the coffin of Mrs. McCole down the aisle, which was followed by her daughters, and it brought home in the most graphic way the magnitude of what happened in her case. I know several women in my constituency who are suffering and who have this threat hanging over their lives. I am not being chauvinistic but if something like this happened to the male population, there would be absolute outrage, and rightly so. At the time, for some unknown reason, the magnitude of the offence and damage done and the cruelty and trauma the women experienced was not recognised.

Why not improve the situation for the sufferers? What is wrong with covering every possible angle to ensure nobody is excluded from the right to have a reasonable quality of life in so far as possible? We should not proceed with the legislation until a sufficient appraisal and a much wider examination have taken place of all its implications. I have no difficulty improving the situation in respect of insurance for the people concerned. However, I have a major concern about the number of people who might be excluded.

We now have the benefit of hindsight and for that reason, we should not do anything which would in any way curtail the rights or entitlements of sufferers or those who are likely to become sufferers following a diagnosis in the future. There is an incubation period which can vary from one case to another. Although not necessarily as medical practitioners, we have all dealt with cases where an illness, not necessarily hepatitis C, was not diagnosed for several years and where, with the benefit of hindsight, it might have been possible to diagnose it but it could not have been confirmed. Is a person in those circumstances likely to be deprived of their entitlements as envisaged in the Bill? From the information Members on all sides and party leaders have received, there would appear to be a serious doubt. If there is a doubt, we must err on the side of safety.

It is not as if the number of cases will continue to grow but even if it did and large numbers of women and their spouses or partners would be entitled to compensation and cover as envisaged under the insurance element of this legislation, we should not deprive them of it. Why make a bad situation worse? Why not confront the situation and say mistakes were made in the past, which should not have been? We now know about those mistakes and there is no excuse for doing anything which would in any way militate against those who have not yet been diagnosed or those who have been cleared but might be diagnosed in the future. That also applies to people's immediate family.

As legislators we have a duty to all the people but particularly to sufferers of hepatitis C who

were recipients of a treatment which was deemed to be good, safe and necessary. We now have no excuse but to ensure the legislation we pass encompasses all of the aspects of the trauma, ill-health, suffering, pain and poor quality of life hepatitis C sufferers have experienced since the initial problem arose.

Mr. Hayes: I thank the Ceann Comhairle for the opportunity to speak on this very important Bill. I am disappointed, like many others, that the Bill has not come before the House as a straightforward insurance Bill in the form that those affected expected. Making amendments to a sensitive Bill of this nature does not project a positive image of a caring Government. On the contrary, it suggests the Government is more interested in protecting itself than looking after the interests of those hepatitis C sufferers whose condition is definitely the fault of the State, which all Members accept.

I choose to speak on the Bill because I know people who have had the shadow of hepatitis C hanging over them for some time, having received blood transfusions at the time the infection was spread. The trauma the victims and their families suffered is nothing short of disgraceful. Now they are faced with disappointment with regard to this Bill.

I have personal experience of this matter, having visited a lady infected with hepatitis C. I have heard her describe her feeling of helplessness and her worries about the normal things in life which we all take for granted, such as her family's future. She is not bitter but she expected to get fair play from the authorities and the Government. It needs to be said but has not been said often enough in this debate that those involved expect fair play. The patients' rights group has shown nothing but good faith throughout this process. Is our message to it that its good faith was in vain, that it cannot trust the Government and that future victims of the State's tragic mistakes cannot trust the State to compensate appropriately for those blunders?

We must focus on those suffering from hepatitis C and understand the human side of the situation. The victims' lives are forever changed by the fact they were given infected blood products through no fault of their own. The range of symptoms that victims must endure, including aches, pains, fatigue and so on, makes everyday life more difficult than it should be. They are left with a heavy burden to bear. The State must not only show a willingness to make amends for its mistake, it must also show compassion to those affected.

Introducing the provision for a scientific test, the ELISA test, to prove the sufferer has hepatitis C will almost certainly limit the number who can avail of the insurance scheme. Many of my colleagues have referred to the many limitations of this test — its failure to diagnose conclusively is a real worry. Given these limitations, why are

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we incorporating it into legislation? It does not make sense to do so. We have had several examples of flawed legislation in the House in recent weeks. Why are we adding another flawed Bill to those already on the Statute Book?

The victims seek a stand-alone Bill to deal with insurance only. How can we justify not giving them this limitation because of the test? I appeal to the Tánaiste to give the victims of hepatitis C the Bill they seek. They are only a small group. The State made a terrible mistake in administering contaminated blood products. The least we can do is seek not to cause them any further anguish. Unless we amend the Bill to make it a stand-alone Bill dealing with insurance for victims and their spouses, we will continue to let down the victims rather than seeking to address the situation comprehensively. That is their plea. Only a small number of people are involved and I urgently request to Minister to bring forward such a Bill.

Mr. Finneran: I wish to share time with Deputy Callery.

An Ceann Comhairle: Is that agreed? Agreed.

Mr. Finneran: I compliment the Government, in particular the Minister, Deputy Harney, on bringing forward this necessary Bill to deal with an important outstanding matter regarding insurance protection and the Government's response to the hepatitis C scandal which destroyed thousands of lives. A scheme of compensation is in place to help those affected and their families, but monetary compensation is nothing when compared to the loss of quality of life of people and their families in this great scandal that will affect our country for years to come. Some €660 million has been given out in compensation. So what? It is just to help people along. The medical card back-up is costing €15 million and this Bill will deal with the insurance aspect, which is necessary because insurance companies were prepared to treat those involved like lepers and not give them adequate insurance cover for life, mortgage or travel policies.

A sad situation had developed with regard to the people concerned and I am pleased the Minister has come forward with a Bill to deal with the matter. Consultations have taken place with the different associations and groups involved. I hope it will bring some further comfort to these unfortunate individuals who are the victims of a lifestyle imposed by the State by the provision of inappropriate products that caused terrible health damage to those who received them.

I am not sure exactly how the scheme will work but I take from the Minister's contribution that it has been set down in a certain way following consultations. I have had correspondence from the Irish Haemophilia Society raising concerns to which I feel duty bound to refer. I hope the Mini-

ster will discuss these concerns with the officials of the Department and will make contact with the society to find whether the difficulties can be ironed out.

We must be accommodating with regard to those affected by this scandal. We should not in any way create barriers to proper compensation, health care or insurance, which is provided for in the Bill. The Minister and the Government certainly do not want that to happen. If difficulties cannot be clarified, let us try to tease them out on Committee and Report Stages. Nobody in the House, including those on the Government side, wants to place further burdens on the victims of hepatitis C, and HIV in some cases. As Members of the Oireachtas, we have a duty to ensure the best possible health protection is afforded to the unfortunate people in question.

Debate adjourned.

Estimates for Public Services 2006: Message from Select Committee.

Acting Chairman (Mr. Kirk): The Select Committee on Health and Children has completed its consideration of the following Supplementary Estimate for Public Services for the service of the year ending 31 December 2006 — Vote 40.

Ceisteanna — Questions.

Priority Questions.

Decentralisation Programme.

1. **Mr. Allen** asked the Minister for Foreign Affairs the position with regard to the number of principal and senior development specialists with Irish Aid volunteering to take part in the Government decentralisation programme; if he will confirm that legal difficulties surround the process; and if he will make a statement on the matter. [25454/06]

Minister of State at the Department of Foreign Affairs (Mr. C. Lenihan): Three principal development specialists serve in Irish Aid headquarters in Dublin, none of whom has applied to decentralise to Limerick. There are 12 senior development specialists in Irish Aid headquarters, none of whom has applied to decentralise to Limerick. Two senior development specialists originally applied to decentralise to Limerick but subsequently withdrew their applications. There are nine development specialist posts in headquarters and five development specialists are scheduled to decentralise, of whom four commenced employment since the announcement of the decentralisation programme in December 2003 and one applied via the central applications facility.

A Labour Court case is ongoing regarding the terms and conditions under which technical grades are employed in various areas of the public service, including the specialists employed by Irish Aid. Technical staff employed by Departments and offices, including specialists and other fixed-term workers employed in Irish Aid, brought cases to the Rights Commissioner under the Protection of Employees (Fixed-Term Work) Act 2003. The case, which involves complex legal issues, has been referred to the European Court of First Instance.

Some of the issues involved in the decentralisation of Irish Aid to Limerick have, therefore, a wider Civil Service dimension and must be resolved at central level. Discussions are ongoing with representatives of the specialists, their union — IMPACT — and the Department of Finance about the issues involved.

Decentralisation is a Government decision and the Government is committed to moving ahead with its implementation. At present 37 posts in the directorate are filled by officers who have signalled their intention to decentralise to Limerick. In addition, 15 officers, either from elsewhere in the Department or from other Departments, are expected to take up duty at Irish Aid headquarters in the next three months. A further six officers serving elsewhere in the Department, mostly abroad, have also expressed an interest in decentralising to Limerick. This means that a total of 58 or 47% of the 124 posts advertised on the central applications facility, CAF, will be in the Department by autumn of this year.

It is planned to have most of the senior management team for Limerick in place by the third quarter of 2006. The director general of Irish Aid has already indicated that he will decentralise to Limerick. Two counsellors are now in place in the directorate, both of whom have volunteered to go to Limerick and were recruited via the central applications facility. A third counsellor will take up duty this summer on return from a posting abroad. Two others recruited via the CAF are expected to take up duty in early July and will move to Limerick. The changeover of the senior management team, as in other grades, is being implemented in a planned and careful way so as to minimise disruption to the business of the directorate. While there are challenges ahead, management and staff are working effectively together to maintain the quality and integrity of the Irish Aid programme. I hope a greater number of specialists will, in time, volunteer to decentralise to Limerick.

Mr. Allen: I regret that this is the second time in a row the Minister for Foreign Affairs has not been present for Question Time. Deputies facilitated him in recent weeks by agreeing to move questions from Tuesday to Wednesday and, later, to Thursday. It is highly unsatisfactory, therefore, that there is no sign of him. It will mean that over a period of many months—

Acting Chairman: I ask the Deputy to concentrate on the substance of the question.

Mr. Allen: I wish to voice my dissatisfaction. During Question Time last month we heard a great deal of bluster and huffing and puffing from the Minister of State at the Department of Foreign Affairs, Deputy Conor Lenihan, as he tried to mask the disastrous position of the decentralisation of Irish Aid to Limerick. Why, on that occasion, did he not inform the House that major legal problems had arisen with regard to the decentralisation programme? He chose to make these problems public during a visit to South Africa. Will the Minister of State comment on the remarks made by the head of Dóchas who stated decentralisation will damage the efforts of Irish Aid? Does he agree that the matter is descending into a shambles, given that moneys donated to non-governmental organisations to assist their efforts in the Third World will be wasted on making trips to the decentralised office and there will be no direct link to between the NGOs and Irish Aid? Will he admit that a major problem has arisen in the decentralisation programme?

Mr. C. Lenihan: My senior colleague has just returned from Rome where he met the Pope and today travelled to Belfast to meet the British Prime Minister, Tony Blair, with whom he and the Taoiseach will have important discussions. He has a relatively valid excuse for not being present.

Mr. Allen: Deputies agreed to move Question Time from Tuesday to Wednesday and then to Thursday.

Mr. C. Lenihan: I do not want to get involved in the type of wrangling we had on the previous occasion I spoke, specifically because I stated at the time that it appeared some Opposition Deputies were not listening to or tracking my statements on this issue.

Mr. Allen: I track the Minister of State.

Mr. C. Lenihan: The Deputy's question sought to ascertain the reason I did not make known to the House the legal issue that has arisen regarding specialist grades.

Mr. Allen: The director of Dóchas has commented since the previous Question Time.

Mr. C. Lenihan: If he has an opportunity to do so, the Deputy will probably confirm that I have made perfectly clear in the House, in his presence, and in my appearances before the Joint Committee on Foreign Affairs that a legal impediment has arisen. There is nothing new about the statement I made in the interview I gave *The Irish Times* from Africa, although I note the newspaper gave it ample coverage nonetheless. I made the same comments on the specific legal issue in a number of a parliamentary replies,

[Mr. C. Lenihan.]

some of which may have been issued to the Deputy. The case taken by the specialists has been well aired in newspapers in recent months and I understand several specialists from my Department wrote to *The Irish Times* in connection with the legal issue they have. There is, therefore, nothing new in my recent comments which appeared in previous replies. It may be worthwhile for the Deputy to read over these again before he frames another question on this matter.

The decentralisation to Limerick is not a shambles. Perhaps the Deputy did not listen to the substance of my reply. The good news it contained is that the percentage of those intending to decentralise to Limerick has increased. The figure I provided on the previous occasion I spoke in the House was that 41% of our staff requirement of 121 posts had been met. This figure has since climbed to 47%.

Mr. Allen: It is five of 24 posts.

Mr. C. Lenihan: As I stated on the previous occasion, from the central applications facility it appears that Limerick is a popular choice among staff from outside the Department. The transfer of specialists is still held up and the Department may have to face certain aspects of this issue. This would be normal in any event as one would not move everybody at once during any office move. We will try to phase the move to ensure the least disruption to the programme and the work of those in the headquarters and office of Irish Aid.

With regard to the issue of a direct connection with non-governmental organisations, I agree that many NGOs are Dublin based. Much of the population is in Dublin and the east coast on which much of our focus has been in the past. I presume the Deputy agrees with the conceptual notion behind decentralisation.

Mr. Allen: Yes I do, provided it is properly managed.

Mr. C. Lenihan: We should be able to move offices.

Acting Chairman: We have over-run the first priority question by more than two minutes.

Mr. C. Lenihan: I apologise. Everyone accepts that the principle of moving certain types of activity out of Dublin, whether office based or otherwise, is a good one.

Mr. Allen: Is the Minister of State suggesting the NGOs should also move?

Mr. C. Lenihan: Many of them have already done so.

Acting Chairman: I ask the Minister of State and the Deputy to desist from—

Mr. C. Lenihan: As a representative from Cork, Deputy Allen will be aware that some of the best NGOs are based in his city. I say this to the credit of the Cork based NGOs which have no problem accessing my Department or its funding and are among the most effective in the country.

Middle East Peace Process.

2. **Mr. M. Higgins** asked the Minister for Foreign Affairs if he or his colleague Ministers of the General and External Affairs Council of the European Union have received or commissioned a report on the consequences for the Palestinian people of the Union's isolation of the Hamas Government; if such a report will be commissioned; and, if commissioned, if its results will be published. [25331/06]

Minister of State at the Department of Foreign Affairs (Mr. Treacy): I emphasise the deep concern of the Government about the increasingly serious situation in Gaza and the West Bank. It is essential that all parties have the courage to act with restraint — in particular at this time, the Government of Israel — and to avoid any further actions which cause additional escalation and endanger lives.

On 16 June the European Council issued a declaration on the Middle East peace process which set out the overall policy and the specific concerns of the European Union. It reminded all parties of their responsibilities to protect civilian lives and set out unambiguously the longer-term obligations on both sides. These include the need for Israel to end all activities in the occupied territories that threaten the viability of a two-state solution and are contrary to international law. The EU has been consistent in its approach to the Palestinian authority. We welcome the conduct of the democratic Palestinian elections in January and since 30 January the EU and the wider international community have set out the steps required of a Hamas Government. It must commit to non-violence, recognise Israel's right to exist and accept the agreements negotiated with Israel by the PLO and the authority. We support the efforts of President Mahmoud Abbas to encourage Hamas to accept the peace process. If there is significant movement in this direction by Hamas, the Government is committed to arguing strongly for an appropriate EU response.

The Government monitors closely the situation in the occupied territories, shares the widespread concern about developments in Gaza and the West Bank and believes that the Palestinian people should not face the prospect of a humanitarian crisis because of the reluctance of its Government to abide by the basic rules of the peace process. We have given a commitment that the level of Ireland's bilateral assistance to the Palestinian people will be maintained in 2006. The EU has been the strongest supporter of the

Palestinian people, providing total assistance of €500 million annually. It has stated that it will continue to provide all the necessary assistance to meet the basic needs of the Palestinian people. It is unreasonable, however, to argue that we should continue capacity-building assistance to the Hamas Government irrespective of its attitude to the peace process.

The European Council and the Quartet have endorsed the European Commission's work to establish a temporary international mechanism to channel assistance directly to the Palestinian people. The operation of the mechanism will commence in the coming days, based on a funding allocation of €105 million by the Commission. This will bring the total Community aid to the Palestinian people so far this year to €259 million. The mechanism will focus on essential services, starting with the health services. It will also involve a programme of allowances to the many Palestinian families in need. The arrangements will be reviewed after three months.

I hope that other international donors, including the Arab states, will make early and substantial contributions through the new mechanism. As the European Council emphasised, it is also now important that Israel finds a way to resume the transfer of withheld Palestinian tax and customs revenues, which are essential in averting a crisis in the Palestinian territories. The withholding of these revenues has been the most significant factor in the economic difficulties now facing the Palestinians.

Mr. M. Higgins: While the Minister of State's reply goes a little further towards even-handedness, it is unacceptable. There is no reference to the fact that 60 Hamas politicians have been rounded up and arrested near Ramallah by Israel. Israel speaks of 87 people arrested overnight, of whom it says 64 were members of Hamas and 23 were members of other factions. The Palestinian Liberation Organisation says 84 people have been arrested, including seven cabinet officials and 21 members of the Palestinian Parliament. It is extraordinary that the Minister of State, in replying to a question such as mine, did not condemn that. It is not surprising, however, because he refers to the statement of 16 June, which is a pious evasion by the EU. No explicit sanctions have been threatened against Israel for its continuation of illegal settlements in the West Bank. In his reply perhaps the Minister of State will point out such sanctions.

On the other hand, the Palestinians, whose elections he welcomes as free and fair, now find the people it elected are arrested arbitrarily by the Israeli authorities. This has not been condemned. Apparently, it is okay to threaten sanctions on the Palestinian people but to rely on moral suasion against the illegal settlements. There is nothing even-handed about the EU's position. It speaks of laying down conditions for the Hamas but not for the Israeli Government.

This afternoon the Minister of State did not even condemn the arrest and detention of members of parliament elected in elections he regards as free and fair. He has not suggested that, for example, in his agreement with the Israeli authorities he will insist on human rights clauses. He has not suggested that he will not deal with Israel until the illegal barrier is removed and he has not asked them to withdraw immediately from the West Bank. What kind of response is that to the flagrant actions that are happening outside every principle of international law? Irish people have a more advanced position and every time they hear the General Council end of statement in Europe they are appalled because they cannot hear the Irish view.

Acting Chairman: Members must desist from secondary contributions. It is a problem with priority questions. We are trying to keep within the time allocated.

Mr. Treacy: We have been consistent, clear, open, strong and vocal in support of the Palestinian people in every forum in which we are represented. However we must be fair, even-handed and responsible, and this is a complex and difficult situation.

Mr. M. Higgins: The Minister of State has said nothing today. He has not condemned the arrest of parliamentarians.

Acting Chairman: The Minister of State to continue without interruption.

Mr. Treacy: I did not interrupt anybody and I am about to respond. We are concerned about the escalating situation in Gaza and we appreciate the concern of the Israeli authorities about the recent incident, including the kidnapping of a soldier. He should be released immediately and unconditionally. However, Israel's reaction must be restrained and proportionate. In particular, the long-suffering people of Palestine should not be made to suffer further. All of us are concerned about the arrest of elected members of parliament and we condemn it. Ireland has added its voice to that of the UN Secretary General in calling for maximum restraint, in particular by the Israeli authorities. Our ambassador in Tel Aviv conveyed this message to them and this morning conveyed our serious concerns regarding the need for maximum restraint. Our consul general in Ramallah also this morning asked the Palestinian authority to do everything possible to secure the immediate release of the Israeli soldier. We have been active, consistent, fair and equitable with all sides, taking into account the seriousness of the situation.

President Abbas is doing his best to resolve the situation and deserves our support. Governments in the region are being equally helpful. Diplomacy must be given the time and opportunity to

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work and Deputies will share my view on this. It is important that we use all our communications networks and opportunities through our excellent diplomatic staff, who do an outstanding job on behalf of Ireland in ensuring human rights, equity and freedom for all citizens on both sides. We must play our role, through the EU, in ensuring there is a mechanism to bring peace, stability, a proper structure and mutual respect for both Governments, support for the citizens of both areas and transfer of resources internationally and through the EU. We must do our utmost to ensure that Israel recognises its key responsibility in transferring the customs and tax duties that are rightfully due to the Palestinian people in order that they have the resources necessary to run the territories in an efficient manner. We have not been found wanting, nor will we be so.

Acting Chairman: We are out of kilter and down time on Priority Questions. I will allow Deputy Higgins to make a brief observation.

Mr. M. Higgins: Will the Minister of State indicate the Government's attitude to the 18-point plan agreed by Fatah and Hamas and whether it agrees, because President Abbas has accepted this, it is a basis for full restoration of aid from the EU to the Hamas Government, in view of the fact that the government is now a national government in terms of the plan agreed on 27 June? A short answer will do.

Mr. Treacy: We accept the plan and want to ensure the agreements reached with President Abbas and Hamas can be implemented. It is important that the Hamas Government fulfils its responsibilities to recognise Israel, condemn violence and accept and support the peace process. If it indicates clearly, through diplomatic channels, that it accepts this situation we have no difficulty in ensuring further support to help it bring peace to this troubled region. This has been a complex and difficult situation for a long time and it is important that we are even-handed in dealing with it and use all diplomatic channels available to ensure the rule of law prevails and respect for human life is absolute.

Landing Rights.

3. **Mr. Gormley** asked the Minister for Foreign Affairs the circumstances surrounding the transporting of a handcuffed US marine through Shannon Airport without the necessary permission being obtained by the US from the Irish authorities; the subsequent discussions he has had with the US authorities regarding this incident; and if he will make a statement on the matter.

[25496/06]

Mr. Treacy: I refer the Deputy to the statement of the Minister for Foreign Affairs in the Dáil on 13 June, when he gave the House a detailed

account of the matter to which the Deputy's question refers. Immediately after the incident in question was reported to the Department of Foreign Affairs by the US embassy, the Minister for Foreign Affairs summoned the US ambassador to Iveagh House, where they met for the best part of an hour. He outlined our grave concerns. The ambassador confirmed the sequence of events and made clear that the failure to seek consent arose from an administrative error. He conveyed his deep regret for the breach of procedures and undertook urgently to advise his authorities of our views. In confirming the US authorities' determination that the use of Irish airspace and airports by the US be completely transparent and in conformity with Irish law and the wishes of the Government, he also confirmed his willingness to review the situation immediately with a view to ensuring there is no recurrence. The Minister informed the ambassador that, notwithstanding the fact this incident had no connection with allegations of extraordinary rendition, it was unacceptable that it should happen.

The following morning, the Minister briefed the Government meeting on these developments. Following the subsequent discussion, it was decided to make clear the Government's grave concern and to ask for a full written report from the US embassy. In addition, to ensure that appropriate steps are taken to prevent any recurrence of this incident, we are engaging in further discussion with the US authorities.

Officials from the Department of Foreign Affairs have met officials from the US embassy, most recently on 20 June, and have been in subsequent contact by telephone. The embassy is preparing its written report and has also taken steps to prevent any recurrence of the episode, in particular by seeking to ensure that all relevant personnel are aware of their obligations and of the procedures to be followed. On the basis of our discussions with the US authorities, I have no reason to believe that this was other than an isolated incident which arose from an administrative error.

Moreover, as the Minister and I have previously emphasised, this incident is quite distinct from the question of extraordinary rendition, and I remain confident of the continuing validity and weight of the clear assurances repeatedly given to us by the US authorities in that context.

Mr. Gormley: The Minister of State claims this is distinct from extraordinary rendition but does this incident not confirm that the Government does not have a clue what is going on in Shannon Airport but must wait for a cleaner to board an aircraft? The authorities at Shannon Airport did not contact the Government but contacted the US embassy. The Government is completely out of the loop. Is it not the case that the Minister of State does not know whether extraordinary rendition is taking place and would prefer not to know? That is probably closer to the point.

Will the Minister of State please outline what protocols are in place? I understand that permission is required from the Department of Justice, Equality and Law Reform for prisoners to go through Shannon Airport. Will the Minister of State confirm this? We are none the wiser on the requirements after this incident.

Is it not the case as stated in *The Examiner*, that there are no protocols in place? Is it the case that the troops we see wearing uniforms in Shannon and elsewhere, for example, in the recent incident in Ennis, are in breach of Irish defence legislation? Is this acceptable?

I regret that the Minister for Foreign Affairs is not here to answer my question directly. He told *The Guardian* that because of this incident we would have to conduct searches of the aeroplanes. The Minister of State did not mention these in his response. From now on will we conduct random searches, or was that promise made hastily after this incident? I see the Minister of State nodding which is interesting. Will he confirm to the House that the Government will conduct these searches?

Many Deputies on this side of the House have been calling for that sort of action for some time and have received a negative response.

Acting Chairman: I remind the Minister of State of the time limit.

Mr. Treacy: I have been asked many questions and Deputy Gormley has made many statements which are not factual. First, a cleaner did not discover this situation.

Aengus Ó Snodaigh: The Garda Síochána did not discover it.

Mr. Treacy: A soldier was being transferred on this aircraft. He was detained on board at Shannon. The officer in charge asked permission of the official on duty in Shannon if the soldier could be taken off the aircraft for exercise. The official in charge reported that immediately to his authorities in Dublin and to the US Embassy which in turn contacted directly the Departments of Foreign Affairs and of Justice, Equality and Law Reform.

Mr. Gormley: The Department of Foreign Affairs was not contacted first.

Mr. Treacy: I was not contacted.

Mr. Gormley: No but neither was the Department.

Mr. Treacy: I will outline the sequence of events. The Deputy is saying the cleaner discovered this but that is not the fact.

Mr. Gormley: That is what was reported.

Mr. Treacy: As soon as the Department of Foreign Affairs was contacted officials in the Department contacted the Minister who was attending a European meeting in Brussels. He returned immediately to Dublin and summoned the US ambassador into Iveagh House that evening and laid down the law on Ireland's position and said that this was unacceptable.

Mr. Gormley: He told him what for.

Mr. Treacy: The matter was investigated and we are satisfied that it was an administrative error as the US officials carrying out the transfer did not think they had to report this situation to our Department or the Government.

The following morning the Minister for Foreign Affairs briefed his Cabinet colleagues on the situation. The Cabinet decided this was unacceptable and we requested a detailed written report from the US authorities on this matter. Since then officials from our Department have held discussions with the US Embassy and we await the final report on the situation. There has been no doubt about this. If there was any difficulty whatever—

Mr. Gormley: On a point of order, I asked the Minister of State a few questions but he is not answering them. What are the protocols?

Acting Chairman: I must advise the Deputy that the Chair has no control over the Minister of State or his answers.

Mr. Gormley: Will there be inspections and what are the protocols?

Mr. Treacy: To carry out inspections would imply that we are not prepared to accept the categorical assurances given to us—

Mr. Gormley: The Minister of State is changing now.

Mr. Treacy: —by the friendly government of a country with which we have an exceptionally close relationship. No plausible evidence has been produced that aircraft have passed through Shannon Airport carrying prisoners being transported as part of an extraordinary rendition operation. The number of supposedly implicated flights that have transited through Shannon is minuscule in comparison with the overall number of flights of similar aircraft stopping there.

A policy of spot checks could have only a cosmetic affect. Furthermore, the allegations relate not to recent events but to those which it is claimed happened several years ago. This retrospective imposition of a pattern of movements would be a flimsy basis on which to depart from a long-established practice.

Mr. M. Higgins: That is pure nonsense.

Mr. Treacy: In a joint statement on extraordinary rendition on 27 June, Amnesty International, Human Rights Watch, the International Commission of Jurists and the Association for the Prevention of Torture do not call for spot checks but for the inspection of aircraft where there are grounds for believing that it is being used to transport detainees.

Mr. Gormley: That is fine.

Mr. Treacy: It has always been the Government's position that in such circumstances the Garda Síochána would exercise its powers of entry and search an aircraft.

Aengus Ó Snodaigh: They can do that only if they have evidence.

Mr. Treacy: Not alone are we consistent in our attitude but we are the first country to raise this matter several times with the United States. It has been raised by the Taoiseach, the Minister for Foreign Affairs and I.

Mr. M. Higgins: They have never inspected an aeroplane.

Mr. Treacy: There is no doubt whatsoever about the assurances we have received. The situation that has been raised pertaining to the transiting of a soldier has nothing to do with extraordinary rendition. It is only a red herring that is being used to create a scare among the people.

Acting Chairman: We have to move on to Question No. 4 in the name of Deputy Allen.

Mr. Gormley: The Minister of State is going back on the previous commitments. The Minister for Foreign Affairs gave a commitment in the aftermath of the incident in question that inspections would be carried out. The Government is going back on this. What are the——

Acting Chairman: I ask the Deputy to resume his seat.

Mr. Gormley: The Minister of State has not answered the question.

Mr. Treacy: Of course, I have answered it.

Mr. Gormley: The Minister of State has not.

Mr. M. Higgins: No.

Mr. Treacy: I have given the Deputy more information and factual information, but it is like everything, he does not like facts.

Mr. Gormley: No, the Minister of State is completely——

Acting Chairman: Can we move on to Question No. 4?

Mr. Gormley: ——and utterly avoiding the question.

Mr. Treacy: The Deputy has given a spurious concoction of misinformation——

Acting Chairman: Deputy Gormley should resume his seat.

Mr. Treacy: ——to deliberately mislead the public.

Mr. Gormley: The Minister of State should answer my questions.

Acting Chairman: Will Deputy Gormley resume his seat please? We have to move on to Question No. 4.

Mr. Gormley: Can the Minister of State give us the protocols which are in place?

Acting Chairman: Can we have the answer to Question No. 4?

Mr. Gormley: There is none.

Mr. M. Higgins: That is right.

Mr. Gormley: Why did they contact the embassy? Why did they not contact the Garda?

Mr. M. Higgins: That is it.

Mr. Gormley: That is the question. Why was the Garda not contacted? Why was the embassy contacted? That is what I want to know.

Mr. Treacy: If there was anything to be covered up, or if something was wrong, does the Deputy think the officer in charge of the soldier in question would have asked for permission to take him off the aeroplane?

Mr. Gormley: That is what I want to know.

Aengus Ó Snodaigh: We do not know.

Mr. Gormley: They walk around in uniform all over the place.

Mr. Treacy: What is wrong with that?

Mr. Gormley: They do not give a damn——

Mr. Treacy: Does the Deputy want them to walk around naked?

Mr. Gormley: ——what the Government thinks.

Mr. M. Higgins: Did they take off his leg irons for the exercise?

Human Trafficking.

4. **Mr. Allen** asked the Minister for Foreign Affairs the steps he has taken to date to work with other countries in order to combat human trafficking; the talks that he has held with his counterpart European Union Foreign Ministers on this issue; and if he will make a statement on the matter. [25455/06]

Mr. Treacy: Human trafficking, which is an important issue for Ireland and the European Union, featured in the conclusions of this month's meeting of the European Council. It was listed as one of the areas in which the EU can deliver concrete results to benefit the citizens of the EU. The Council's conclusions express its determination to pursue the fight against human trafficking by fully utilising the resources of Eurojust, Europol and the task force of police chiefs. The issue of human trafficking was also considered at the most recent meeting of the General Affairs and External Relations Council, which examined the draft conclusions of the European Council. Article 5 of the EU Charter of Fundamental Rights prohibits trafficking in human beings. In 2004, the EU adopted a Council framework decision on combating trafficking in persons. My colleague, the Minister for Justice, Equality and Law Reform, who has primary responsibility for what is first and foremost a criminal justice matter, is preparing legislation to criminalise trafficking for the purpose of sexual and labour exploitation.

A specific action plan to deal with trafficking in human beings was adopted by the European Council last December. The plan, which is wide-ranging, covers areas such as the co-ordination of EU action, the prevention of trafficking and the prosecution of offences linked to trafficking. The implementation of the plan has been actively pursued by the Justice and Home Affairs Council, in which Ireland is represented by the Minister for Justice, Equality and Law Reform. Under this country's existing criminal law, it is an offence to traffic a male or female person under 17 years of age for the purpose of sexual exploitation. The offence is punishable by up to life imprisonment.

I would like to refer to the work being done in this regard in international fora other than the EU. Human trafficking has been dealt with by the Council of Europe. That organisation's negotiations on the Convention on Action against Trafficking in Human Beings concluded last year. The convention, which was opened for signature in Warsaw on 16 May 2005, aims to prevent and combat trafficking in people in all its forms. A similar action plan was endorsed by the Organisation for Security and Co-operation in Europe in December 2003. Ireland is a signatory to the UN Convention on Transnational Organised Crime and its two accompanying protocols on smuggling and on the prevention, suppression and punishment of human trafficking. The Department of

Foreign Affairs has provided over €1.7 million, through Irish Aid, for anti-trafficking projects carried out by the International Labour Organisation and a respected non-governmental organisation, under the leadership of the Minister of State, Deputy Conor Lenihan.

Human trafficking is receiving considerable attention at EU and international levels. My colleague, the Minister for Foreign Affairs, has raised it in bilateral contacts with his EU counterparts. He and I will continue to use relevant bilateral meetings to highlight our concerns in respect of this serious matter.

Mr. Allen: I do not understand why the Department of Foreign Affairs refused to answer this question when I tabled it as a priority question the last time the House took foreign affairs questions. Does the Minister of State agree that the recent "Prime Time Investigates" documentary exposed the conditions of slavery, rape and violence which are endured by trafficked women and children? Does he agree the programme also exposed that this country's controls in this regard are very lax and that our passport control system is porous? The Minister of State's reply confirmed that we are continuing to classify human trafficking as an immigration issue rather than as a human rights issue.

Mr. M. Higgins: That is important.

Mr. Allen: Will the Minister of State explain how 14 and 15 year old Romanian children are getting visas, presenting themselves at passport controls and being allowed to enter this country without giving any real explanation of what they intend to do here or where they are going here? Does the Minister of State agree we have failed miserably to protect minors who come from states inside and outside the EU?

Mr. M. Higgins: Yes.

Mr. Allen: Will the Minister of State tell me how he intends to deal with this problem as a human rights issue?

Mr. Treacy: If the Deputy had listened to my earlier answer, the position would be very clear to him.

Mr. Allen: I was listening.

Mr. Treacy: He asked why I did not answer this question the last time we dealt with such matters. This was and is a matter for the Department of Justice, Equality and Law Reform and the Minister, Deputy McDowell. At that time, it was proper for that Department to answer the question. Since then, this matter has been on the agenda of a meeting of the General Affairs and External Relations Council in Brussels. The Minister for Foreign Affairs and I attended the meeting at which the matter was discussed. We are

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now reporting to the House and answering Deputy Allen's questions on foot of those discussions. The Deputy is getting two bites of the cherry. He got an answer from the Department of Justice, Equality and Law Reform some weeks ago and he is now getting a direct response from the Department of Foreign Affairs. I also want to say that we have one of the most—

Mr. Allen: Why did the Minister of State answer a question on 24 May and refuse my question?

Acting Chairman: The Minister of State to continue without interruption.

Mr. Treacy: I would like to be allowed to respond. We have spent millions of euro on our impregnable passport system, which is the most outstanding system in the world.

Mr. Gormley: The Minister of State is not given to exaggeration.

Mr. Treacy: Not likely. I know what I am talking about. I have seen the investment, the technology and the quality of the staff. I have seen the system in operation. I am proud of all the people who operate it. An outstanding service is being delivered to the people of this country in Dublin and Cork.

Mr. Allen: I am asked about passport controls.

Mr. Treacy: I am coming to that point. The Deputy spoke about young people who came to Ireland after people from their own countries applied on their behalf for visas for them. When such people were taken into this country, they were checked to ensure all their paperwork and documentation was in order. Nobody was aware that the children in question were to be exploited at a later stage. Such behaviour is a criminal offence under our laws. As we speak, the Minister for Justice, Equality and Law Reform, who responded to Deputy Allen when this matter was raised previously, is preparing legislation to deal with these issues. He intends to ensure that no loophole can be utilised in future and that people cannot be exploited in future. The European Union is at one on this issue. We are totally committed to ensuring that human trafficking does not take place here. The House can be assured that this country's system of passport control is very tight. The problems which have been mentioned tend to develop after the passport control stage. The issues in question are not related to the operation of our passport control system.

Mr. Allen: I would like to say—

Acting Chairman: Deputy Allen, please.

Mr. Allen: —that the Minister of State is tending to mislead the House, although perhaps unintentionally.

Acting Chairman: We have lost a great deal of time.

Mr. Allen: I would like to inform the Minister of State that human trafficking is not a crime under our laws. Unlike other countries, Ireland tends to treat the girls who are apprehended here, rather than the traffickers, as the criminals.

Mr. M. Higgins: That is correct.

Mr. Allen: We do not have any systems in place to deal with such girls, who are the victims of human trafficking, in an effective manner. The traffickers are getting away scot free. I ask the Minister of State not to say that human trafficking is a crime under our law because it is not.

Mr. Treacy: Human trafficking is a crime. The exploitation of any individual is a crime. Our laws are being updated. The Minister for Justice, Equality and Law Reform has responded to the issues which have arisen. Ireland is ensuring, in co-operation with its EU partners, that the various regulations are being tightened at EU level—

Mr. Allen: Nothing will happen before the summer break.

Mr. Treacy: —in order that people committing crimes of this nature are not allowed to get through the net at any time.

Mr. Allen: That is rubbish.

Mr. M. Higgins: That is not the position.

Mr. Allen: It is not true.

Human Rights Issues.

5. **Aengus Ó Snodaigh** asked the Minister for Foreign Affairs the human rights and other criteria taken into consideration by him and by his Department when his Department is consulted by other Departments in relation to the countries of destination of certain goods; and the mechanisms in place to confirm that these criteria are met in the first instance and to monitor them to ensure they remain satisfied. [25457/06]

Mr. Treacy: The Department of Enterprise, Trade and Employment, which is the licensing authority for Ireland's export control system, consults the Department of Foreign Affairs on all military licence applications and on some applications relating to controlled dual use goods. Ireland's export control system is implemented in a manner that fully meets its obligations as an EU member state and a participant in other inter-

national export control fora. Authorisation is given to export licence applications following careful case-by-case examination of their consistency with our international obligations, including the application of arms embargoes and compliance with the EU code of conduct on arms exports. The code of conduct refers to eight criteria which each application must satisfy before it can be approved. The criteria include respect for human rights; the internal situation in the final destination country; the behaviour of the buyer country in the international community, particularly its attitude to terrorism, the nature of its alliances and its respect for international law; regional peace and security; and the risk of diversion under undesirable conditions. The relevant regional sections are involved in the consultation process in the Department. These sections monitor and analyse the evolving political situation of each proposed country of end-destination, as well as issues such as internal conflict and respect for human rights, to allow the Department to provide comprehensive and up-to-date observations to the Department of Enterprise, Trade and Employment on each specific case.

Officials from the Department attend the relevant EU working group meetings, including those of the conventional arms working group in Brussels, where EU officials exchange denial notifications and share information about their respective export control policies and regulations. The Department is also represented at regular meetings of the international export control regimes, including the Wassenaar arrangement, which deals with conventional weapons, the Australia group, concerned with chemical and biological exports, the missile technology control regime and the nuclear suppliers group. These meetings provide important opportunities for officials to exchange information with respect to particular end-destinations and end-users.

The Department is also consulted by the Department of Transport on applications involving the transit or overflight of civil aircraft carrying munitions of war or dangerous goods. In considering such applications, the Department of Foreign Affairs, as a matter of policy, applies criteria similar to those which relate to the export of weapons or dual use goods.

Aengus Ó Snodaigh: Is the Minister of State aware that Amnesty International outlined that a human rights-based approach entails more than a formal commitment to respect human rights norms and standards? It stated it requires the integration of those minimum standards into all planned policies, budgets and processes in an institution. Does the Minister of State agree that the decisions of the Department of Foreign Affairs do not meet those standards? Does he agree that the absence of a rigorous human rights-based approach to his responsibilities has been exposed by the passage of arms and a helicopter gunship through Shannon Airport to serial

human rights abusers in Indonesia and Israel? I recently highlighted the shipments to Indonesia which were in breach of an arms embargo.

Last week, Shannon Airport was used to facilitate the sale of an Apache attack helicopter.

Acting Chairman: Does the Deputy have a question?

Aengus Ó Snodaigh: I am setting the context of my question. Does the Minister accept the Apache helicopter could have been used in the collective punishment — a crime against humanity — in Palestine in recent days? At least 49 Palestinians, including 11 children, have been killed by Israeli forces. Does the Minister of State agree with the Palestinian President, Mahmoud Abbas, that the bombardment of civilian infrastructure amounts to collective punishment, a crime against humanity? This would have been carried out by weapons such as an Apache helicopter.

Does the Minister of State agree that the kidnapping by Israel of 25 elected Palestinian representatives demonstrates Israel's lack of commitment to democratic principles? Will he clarify that, after consultation with the Department of Transport, as required by the 1973 order, the Department of Foreign Affairs approved the use of Shannon Airport for the transfer of military helicopters and other military apparatus to Israel? Does the Minister of State agree the role played by the State in the sale and transfer of arms to human rights abusers is unacceptable and must cease immediately? What steps will he take to ensure this stops?

Mr. Treacy: I have already answered questions on the Palestinian-Israeli situation. What relevance does it have to this question?

Aengus Ó Snodaigh: We are transporting with the US a military Apache helicopter through Shannon Airport.

Mr. Treacy: That is not true.

Aengus Ó Snodaigh: Yes, it is true.

Mr. Treacy: I will outline the facts and want the Deputy to withdraw his statement.

Aengus Ó Snodaigh: It is true. I will not withdraw my statement.

Mr. Treacy: I am aware of allegations made by Amnesty International about aspects of arms exports from Ireland. I have discussed the situation with the organisation. The Government is committed to ensuring Ireland's export controls are as strong as possible. For that reason, the Minister for Enterprise, Trade and Employment commissioned an independent report into the export control system. Following on from the consultant's report, published in July 2004, the

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Department of Enterprise, Trade and Employment plans to introduce new legislation to strengthen the export controls system further.

Deputy Ó Snodaigh's earlier assertion is false. No embargo was in place against Indonesia at the time the goods transited through Ireland. In this case, the views of the Department of Foreign Affairs were sought in accordance with standard procedures. Our advice to the Department of Transport was based on all relevant foreign policy considerations, including the fact that Indonesia has made significant strides towards democracy. It has also been the victim of several grievous terrorist attacks such as those in Bali. Deputy Ó Snodaigh may not remember that fact.

Aengus Ó Snodaigh: I do remember that. However, there was a UN and a US arms embargo against Indonesia.

Acting Chairman: The Minister of State to continue without interruption.

Mr. Treacy: Several Irish citizens were seriously injured in Bali. The Deputy should remember that Indonesia is a country of 225 million people, the fourth most populated country in the world. It is the largest Muslim democracy in the world.

Aengus Ó Snodaigh: The Minister of State is a joke.

Mr. Treacy: The Deputy is making fictional allegations which he seems to be good at. He should withdraw them because they have no basis. His party's history probably contains items which may not have been disclosed to the proper authorities. There is no point in him making falsehoods in the House when they do not stand up in law or to scrutiny.

Aengus Ó Snodaigh: The Minister of State is a disgrace.

Mr. Treacy: His allegations do not fit in with the facts presented by the rigid system operated between Departments to ensure only proper legitimate transiting of goods takes place.

Acting Chairman: We will move on to Question No. 6.

Mr. C. Lenihan: What was Deputy Ó Snodaigh doing up on the roof?

Aengus Ó Snodaigh: I am entitled to a supplementary. That is disgraceful. I am the only Member who was not entitled to a supplementary question.

Mr. C. Lenihan: What was he doing up on the roof?

Acting Chairman: Time has run out. Priority Questions have concluded.

Aengus Ó Snodaigh: I am entitled to ask a supplementary question like all other Members.

Mr. Treacy: The problem is that the Deputy made the question irrelevant because I had already answered the questions he raised.

Aengus Ó Snodaigh: The Minister of State denied the facts. In February last year, an arms embargo was in place against Indonesia.

Acting Chairman: We must move on.

Aengus Ó Snodaigh: It was not lifted by the US until March this year.

Mr. Treacy: The Deputy will withdraw that statement. It is the third time he has attempted to make it in the House.

Aengus Ó Snodaigh: The Minister of State is the one who is lying.

Mr. Treacy: It is not factual, fair or correct.

Acting Chairman: The Minister of State will proceed with Question No. 6.

Other Questions.

Foreign Conflicts.

6. **Mr. Crowe** asked the Minister for Foreign Affairs the position regarding the Basque peace process; and if in his view the political party Bata-suna should now be removed from the EU blacklist of so-called terrorist organisations. [25201/06]

Mr. Treacy: In replies to parliamentary questions on this subject on 4 April, the Minister for Foreign Affairs welcomed the announcement by ETA of a permanent ceasefire from 24 March. He also made it clear that next steps in the process were purely a matter for the Spanish Government and elected representatives to consider.

Today the Spanish Prime Minister, Mr. Zapatero, spoke to the media on the Spanish Government's assessment of the ceasefire and on possible next steps in the process. I await a report from the Irish Embassy in Madrid on this. Those steps could include Spanish Government contacts with ETA and arrangements for talks between political groups. Political parties that are in conformity with Spain's law on political parties, including its provisions on support for violence or legitimisation or terrorist actions, would be eligible to take part.

The Batasuna political party was made illegal in Spain following a judgment of the Spanish Supreme Court in March 2003 in the framework of the law on political parties. Batasuna was subsequently added to the EU list of terrorist organisations on 4 June 2003 by a unanimous decision of the EU member states. Removal of Batasuna from the list would require, in the first instance, an initiative by the member state most concerned. Any request in that context and against the background of the awaited report by the Spanish Prime Minister to the Spanish Parliament would be carefully considered at all levels by Ireland and the EU.

Aengus Ó Snodaigh: Does the Minister of State agree that the placing of Batasuna on the EU black list has involved other member state Governments, including the Irish, in an exclusionary approach? The Minister of State claims this is a matter for Spain alone. It is not because it is an EU-wide decision to put Batasuna on a blacklist. This is not helpful for the situation developing in the Basque country.

Acting Chairman: Does the Deputy have a question?

Aengus Ó Snodaigh: I asked if the Minister of State agrees. That is a question.

Mr. Treacy: Batasuna is a political party, deemed by the Spanish Supreme Court to be operating illegally. The report was transferred to the EU where a decision was taken after much deliberation. It is now a matter for the Spanish authorities in the first instance to deal with the situation and satisfy itself as to the veracity and commitment of Batasuna to political activity only, as distinct from terrorist activity. We cannot pre-empt—

Aengus Ó Snodaigh: It is an EU decision.

Mr. Treacy: —the integrity of the sovereign state of Spain to deal with this matter in the first instance.

Aengus Ó Snodaigh: Or our sovereignty also.

Mr. Treacy: We have no right to make a presumption about activity—

Aengus Ó Snodaigh: Yes, the Minister of State does. He makes many presumptions. He just made one about Indonesia.

Mr. C. Lenihan: Deputy Ó Snodaigh's party is still the subject of investigation by the IMC.

Mr. Treacy: —in another sovereign state until a report comes forward that is satisfactory to our colleagues in the European Union and ourselves.

Aengus Ó Snodaigh: The Minister of State just made presumptions about other matters such as Palestine.

Mr. Treacy: The Deputy can rest assured—

Mr. C. Lenihan: We have not verified Deputy Ó Snodaigh's party yet.

Mr. Treacy: —that the Taoiseach has had discussions pertaining to assisting Prime Minister Zapatero in this situation. The Minister for Foreign Affairs, Deputy Dermot Ahern, and I, with my European colleagues and Fr. Alex Reid have been involved in assisting the situation in Spain.

Aengus Ó Snodaigh: I know who is involved.

Mr. Treacy: It is important that we await the evolution of the process in Spain and a final report from the Spanish Government through our embassy before we take a broader, conclusive view of that situation.

Aircraft Inspections.

7. **Mr. Cuffe** asked the Minister for Foreign Affairs his views on instituting inspections of certain flights passing through airports here; and if he will make a statement on the matter.
[25210/06]

Mr. Treacy: I refer the Deputy to the statement by the Minister for Foreign Affairs to Dáil Éireann on 13 June, in which he addressed the question of aircraft inspection comprehensively. As was pointed out in his statement, we were the first Government, when rumours of extraordinary rendition emerged, to raise with the US authorities our concerns about the matter. We were also the first Government to demand assurances that our territory would not be used for such purposes.

The Minister was the first to raise this issue among EU colleagues in advance of Secretary of State Rice's visit to Europe during the British Presidency, following which, at the Minister's suggestion, the Presidency wrote to Secretary of State Rice on the matter. To speak of a failure to act, which is the essence of the charge on positive compliance, against such a background of proactive intervention, is not reasonable. As we have also repeatedly made clear, the Garda Síochána has the powers it needs to investigate all allegations of illegal activity. In addition, there is no legal bar to the search of civilian aircraft of the type allegedly involved where there is a basis for doing so.

I also remind Deputies that to engage in the search and inspection of aircraft without any basis for doing so would be to set aside categorical, specific assurances which we, unlike almost every other state in Europe, have received from the US authorities, that in the context of extraordinary

[Mr. Treacy.]

rendition, prisoners have not been transferred through Irish territory, nor would they be, without our permission. These assurances have been confirmed by the US Secretary of State, Condoleezza Rice. No other state in Europe, to the best of my knowledge, has this combination of clear, categorical assurances and confirmation from the highest levels of the US Government.

It remains the Government's position, therefore, that our obligations under international law are being fulfilled. I want yet again to stress that if we had reason to believe the US was in breach of its undertakings to us in the matter of extraordinary rendition, we would respond immediately. We are also open to examining, in consultation with partners, any practicable and specific proposals that may be made in consequence of the current Council of Europe and European Parliament processes.

Mr. Gormley: In his performance today the Minister of State has shown he is the master of bluster. I will try again to get a straight answer. I did not succeed the last time.

Acting Chairman: It would help if the Deputy were to ask a question.

Mr. Gormley: What are the proper arrangements and protocols in place for the notification of an incident of concern at an Irish airport? I refer specifically to Shannon Airport. Will the Minister of State please outline what are those protocols?

The Minister of State appears to be going back on the word given by the senior Minister, Deputy Dermot Ahern. Is the Minister of State aware that the Minister, Deputy Dermot Ahern, told *The Guardian* on 16 June this year, "Given the fact that an incident like this has happened we would put the [police] on notice that perhaps they should start inspecting on a case-by-case basis"?

Is the Minister of State also aware that on 14 June the Minister stated, the Government "was now going to engage with the US embassy with a view to strengthening the verification procedures and if that entails inspection so be it. We have an open mind in relation to that"? Does the Minister of State still have an open mind?

Mr. Treacy: My mind is never closed on any situation. We are totally open to ensuring that not alone are the laws of this land adhered to, by all people traversing and transiting our country, but also that international law is taken into account and fully implemented, as is our obligation as members of the European Union, the United Nations, and the ICAO convention on aviation transiting our area. We are fully committed to all of those situations and these laws and regulations are in place to deal at any time with suspected criminal activity. We have absolute assurances that this is the position. Extraordinary rendition

is not taking place. We accept those assurances until we have evidence to suggest otherwise. There is no other evidence and under no circumstances has there been any extraordinary rendition of prisoners through Ireland at any time. That is the *de facto* position.

Aengus Ó Snodaigh: We do not know that.

Mr. Gormley: What are the protocols?

Mr. Treacy: The protocols are wide ranging in that the Departments of Foreign Affairs, Justice, Equality and Law Reform and Transport have to be consulted in all of these situations—

Mr. Gormley: But they were not.

Mr. Treacy: —whether it is to do with people in the case of prisoners, goods etc. I have gone through the details already today in reply to other questions. People are using the particular instance involving a soldier to muddy the waters and create an idea that something is amiss and that we, as a sovereign Government, are not maintaining the integrity of our laws and the integrity of international law. We will not allow that to happen. It has not happened and it will not happen.

Mr. Gormley: It did happen.

Mr. Treacy: It did not.

Mr. Allen: We could have but did not request passenger name records from all US aeroplanes passing through Shannon from the United States.

Acting Chairman: Does the Deputy have a question?

Mr. Allen: In view of the European Court of Justice ruling on 30 May where it deemed invalid the agreement between the European Union and the United States in regard to passenger name records, and given that negotiations will have to commence between the Council of Ministers and the US authorities in regard to this matter, will the Government demand a bilateral agreement on passenger name records? If the United States is demanding passenger name records from our Administration, will we do likewise under any new agreement reached as a result of the failure of the prior agreement?

Mr. Treacy: It is my understanding that the situation pertaining to international aviation passenger records is currently being considered by the European Union and the United States' authorities in the interests of combating international terrorism.

Mr. Allen: The question is if we will demand it.

Mr. Treacy: Bilateral discussion are taking place between the EU and US authorities on that matter. We also have an interest in aviation traffic between the United States and Ireland.

Mr. Allen: I know that.

Mr. Treacy: During the years international traffic has been of benefit to this country, especially the mid-western region.

Mr. Allen: Will the Minister of State answer the question?

Mr. Treacy: In any discussions we are having, or will have—

Mr. Allen: Will we demand it?

Mr. Treacy: —on bilateral aviation matters between Ireland and the United States, all of these issues are discussed in the interests of the protection of citizens and all persons transiting internationally and the elimination of international terrorism.

Mr. Allen: Will we demand it?

Mr. Treacy: We all have a fundamental responsibility in that area and we will not be found wanting in that regard. We will continue to co-operate in the international effort to ensure terrorism is eliminated.

Mr. Allen: The Minister of State has spoken many words but given no answer. Will we demand a reciprocal arrangement?

Aengus Ó Snodaigh: Does the Minister of State deny that aeroplanes involved in the extraordinary rendition programme used Shannon Airport? Will he categorically deny comments attributed to the Minister for Foreign Affairs, Deputy Dermot Ahern, in *Ireland on Sunday* two weeks ago which stated, if it was up to him, full inspections would have begun a long time ago? He also stated he had argued at Cabinet for the inspections to begin and feels the Americans are making fools of us. Does the Minister of State deny that senior gardaí have confirmed preparations are under way for full, official inspections?

Mr. Treacy: I do not know from which document the Deputy is quoting. I did not see that statement and I do not know its genesis. There has been no extraordinary rendition of prisoners through Ireland.

Aengus Ó Snodaigh: Does the Minister of State deny that aeroplanes which went through Shannon Airport were involved?

Acting Chairman: The Minister of State should be allowed to speak without interruption.

Mr. Treacy: There will not be. We will not allow it or tolerate it. We have got assurances that it has not happened and it will not happen. We will see to it that this remains the case.

Aengus Ó Snodaigh: Does the Minister of State deny that the aeroplanes used Shannon Airport?

Acting Chairman: The Minister of State should be allowed to speak without interruption.

Aengus Ó Snodaigh: He is not answering the question.

Mr. M. Higgins: Does the Minister of State agree that in regard to our international obligations there is no requirement on a citizen to produce evidence. The demand for compliance falls on the State. Is he not concerned that all of those who are interested in the implementation of the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the UN committee, the Secretary General of the Council of Europe, the European Parliament, and everyone involved in the campaign against torture, have said that diplomatic assurances are insufficient on this important matter? It is a red herring to suggest the onus is on the citizen. Does the Minister of State agree? In his response to the questionnaire supplied to the Council of Europe he correctly stated the Air Navigation and Transport Act 1988 and the Air Navigation and Transport (Amendment) Act 1998 allowed for inspections. He did not state, however, that not one single inspection resulted. Does he agree that compliance requires inspection and the responsible implementation of the State's obligations? One cannot substitute an unfair obligation on citizens.

Acting Chairman: We have spent a long time on this question.

Mr. Treacy: I never said the onus was on the citizen in this situation. The onus is on the transiting state to ensure the necessary mechanisms are in position. The Secretary General of the Council of Europe has paid tribute to Ireland for the detail contained in the report we submitted. This is one of the few countries from which the Secretary General did not have to seek supplementary information.

I recently attended a meeting of the Human Rights Council recently in Geneva on behalf of the Minister of State, Deputy Conor Lenihan. The Secretary General commended and complimented Ireland on its standards, commitment to human rights and eliminating international terrorism. There is no doubt about our commitment nor the international recognition of the standards we will continue to uphold.

Mr. M. Higgins: Therefore, a few inspections would not matter.

Foreign Conflicts.

8. **Mr. Timmins** asked the Minister for Foreign Affairs the position of his Department with regard to the ongoing international efforts to ensure that a peacekeeping force is dispatched to Darfur; and if he will make a statement on the matter. [23776/06]

61. **Mr. Kenny** asked the Minister for Foreign Affairs the position with regard to the establishment of a UN force for Darfur, Sudan; and if he will make a statement on the matter. [25163/06]

150. **Mr. Timmins** asked the Minister for Foreign Affairs the position with regard to the establishment of a UN peacekeeping force in the Sudan; and if he will make a statement on the matter. [25370/06]

Mr. Treacy: I propose to take Questions Nos. 8, 61 and 150 together.

As Deputies will be aware, on 16 May the UN Security Council adopted Resolution 1679 which paves the way for a UN force in Darfur and the transition of the present UN-authorized African Union, AU, mission in Sudan, AMIS, to UN command. A delegation from the UN Security Council undertook a mission to Sudan and Chad, as well as to the African Union headquarters in Addis Ababa, Ethiopia, from 5 to 13 June. The visit is regarded as having been useful, although agreement has not been reached with the Government of Sudan on a transfer of peacekeeping to the United Nations.

Separately, from 5 to 22 June, a joint UN-AU technical assessment team led by the UN under secretary general for peacekeeping operations held wide-ranging discussions with Sudanese leaders aimed at strengthening the AU monitoring force in Darfur and preparing for its possible transition to a fully fledged UN peacekeeping operation. The team held consultations in Khartoum and Darfur to assess the immediate needs for strengthening AMIS which initially will be responsible for helping to implement the peace accord. The team also undertook an assessment of all the requirements for a possible transition from AMIS to a UN force in Darfur.

The under secretary general briefed the Security Council on the team's mission on Tuesday, 27 June. The UN Secretary General will shortly submit recommendations to the Council on all relevant aspects of the mandate of a UN operation in Darfur, further to Resolution 1679. It is understood the Secretary General's report will recommend that planning for transition should proceed but note that transition on the ground will not be possible without the consent of the Government of Sudan.

The United Nations has been engaged for some time in planning and identifying the military capabilities that may be required and commenced consultations with a range of member states,

including Ireland, to accelerate the sourcing of these capabilities. Ireland has advised the United Nations that, due to the extension of our engagement in Liberia to May 2007, together with our other substantial commitments to UN peace support operations, we are not now in a position to provide capabilities for the prospective UN mission in Sudan. The situation will, however, be kept under constant review and I can assure the House, as the Taoiseach has personally assured the Secretary General, that Ireland remains committed to peace support operations under a UN flag, including in Africa.

The removal of obstacles to the delivery of humanitarian aid has been a matter of particular concern to the Government and I am pleased to report that, at Ireland's initiative, the General Affairs and External Relations Council on 12 June called for action in this regard by all parties in Darfur. Ireland fully supports the conclusions adopted on Sudan by the Council, as well as the declaration adopted by the European Council on 16 June. The General Affairs Council has stated the European Union will work for the full and rapid implementation of the Darfur peace agreement, DPA, and called on all parties to implement the agreement. The Council has made plain its willingness to take measures against those impeding the peace process, as well as its support for the International Criminal Court investigation into human rights abuses in Darfur. The European Union remains committed to helping AMIS through provision of planning, technical, financial and equipment support to both military and police components, taking into account the new tasks arising for AMIS from the DPA.

The Government has been particularly supportive of efforts to improve the situation in Darfur. Members of the Permanent Defence Force have served with the African Union monitoring mission in Sudan, while the Government has contributed €1.5 million in financial support to AMIS to assist with the recruitment of humanitarian and human rights officers and the construction of police stations to improve security in displaced persons' camps. From 2004 to 2005 the Government committed €10 million to Darfur for relief purposes. More than €1 million has been specifically committed to Darfur this year, as well as a further €3.8 million to all of Sudan, including Darfur. The Minister of State, Deputy Conor Lenihan will testify to this, as he has done on many occasions.

The Minister, Deputy Dermot Ahern, will travel to Sudan in the first week of July and meet representatives of the Government of Sudan, as well as representatives of the United Nations and non-governmental organisations, NGOs. He will also travel to Darfur to see the situation on the ground in displaced persons' camps.

Mr. Allen: It is estimated that the conflict in Darfur has affected 3.6 million people, including

1.8 million internally displaced persons, 200,000 exiled to Chad and 200,000 dead. With this in mind, I am disappointed that we are so stretched we will be unable to contribute to the possible expansion of a peacekeeping force in the region. However, I commend the Minister of State on current efforts. We have to give credit where credit is due.

In view of today's announcement by the Minister, Deputy Dermot Ahern, regarding a new task force of specialists being set up to enter regions in greatest need, will some of the people concerned, when recruited, be sent to Darfur? What discussions have taken place to date on the allocation of specialists to the region?

Mr. Treacy: We have 460 troops in Liberia where we were requested by the UN Secretary General to maintain a very strong troop complement. The Government has agreed to do so. Our rules oblige us not to have more than 850 members of the Defence Forces out of the country at any one time. We are participating in operations in Liberia, Kosovo, Bosnia, Afghanistan and the Congo at this time, which means we have reached our limit and are fulfilling our obligations under UN agreements.

Regarding the initiative, confirmed today, taken by the Minister and the Minister of State, Deputy Conor Lenihan, this team of specialists will be available to study all regions where support is needed and, if necessary, visit and actively engage in them. The Minister of State, Deputy Conor Lenihan, and his team will continue to liaise with NGOs and our diplomatic teams around the world and, where necessary, our specialists will be available to assist in humanitarian operations.

Mr. M. Higgins: In his meeting with his opposite number in the Government of Sudan in July, will the Minister stress that implementation of the Abuja agreement cannot be left solely to Sudan? Also, will he make proposals for the delivery of logistical and other support to the force that will change from being an AU force to an African sourced UN force?

Mr. Treacy: The Abuja agreement is critically important and was discussed at the European Council by the Taoiseach and his colleagues. It was also discussed at the General Affairs and External Relations Council, GAERC, by the Minister and I, with our colleagues, and at the Council of Europe. Every diplomatic effort is being made with EU High Representative Solana, the EU Three and others to ensure the agreement comes into operation as rapidly as possible to see the region progress in the interests of humanity. The Minister will certainly raise the issue.

Northern Ireland Issues.

9. **Ms Lynch** asked the Minister for Foreign

Affairs the position in regard to all parties in Northern Ireland expressing their support for the PSNI; when he expects Sinn Féin to be in a position to take their seats on the Policing Board; the efforts he has been making in this regard in recent months; if he expects movement on this issue before, during, or after the summer 2006; and if he will make a statement on the matter. [25262/06]

Mr. Treacy: The clear position of the Government is that all parties should give their support to the new policing arrangements in Northern Ireland. Through the progressive implementation of the Patten report, the PSNI has undergone a wide-ranging transformation in recent years and is now one of the most accountable policing services in the world. The latest report of the independent oversight commissioner for policing, issued on 6 June last, confirmed that the "Independent Commission's vision of a new beginning to policing is both well under way and irreversible". Therefore, there are no substantive reasons in terms of policing reform for any further delay by Sinn Féin in endorsing the policing arrangements in Northern Ireland and taking their seats on the policing board and on the district policing partnerships.

Full political support for policing will benefit all sections of the community in Northern Ireland. It is also a critical element in terms of putting in place a new political dispensation in Northern Ireland. Early progress on policing will contribute to building trust and confidence in the period ahead. Nevertheless, we do not believe it would be helpful at this stage to raise this issue as a precondition or make it an obstacle to political progress in Northern Ireland. The Government has repeatedly made clear that there is a need to see progress in this regard without delay and we will continue to use every opportunity in the period ahead to press for positive movement.

Mr. M. Higgins: Does the Minister for State agree that a certain ambiguity has been created by the contrasting positions of the Taoiseach and the Minister for Foreign Affairs? Will he clarify the matter? The Minister for Foreign Affairs has said that participation in the policing arrangements is not a precondition. At the same time, the Taoiseach has said that participation in the policing arrangements in Northern Ireland is a vital part of any new deal. I put it to the Minister of State that ambiguity has been created with regard to the structure of policing.

Would it not be better to deal with such transitional difficulties as are there, such as the issue of MI5 being the lead agency for intelligence gathering, as has been raised by Sinn Féin on occasion? It is time that the Government indicated its position clearly. Is it continuing to ask of Sinn Féin that it fully participates and seeks such changes from within as would satisfy its criticisms or is it tacitly sending a separate message

[Mr. M. Higgins.]

to the party that it is all right to stay outside? Which is it? Is it the Taoiseach's or the Minister for Foreign Affairs's version that is Government policy?

Mr. Treacy: Our position has been very even-handed in Northern Ireland. We want to be fair to every party. We want total inclusivity, engagement and involvement. We want the democratic process to move forward. People are misconstruing the statements made by the Taoiseach and the Minister for Foreign Affairs on this serious issue.

The Government has been consistent in calling for the full endorsement of the new policing arrangements by all political parties without delay. As I stated, the latest report from the oversight commissioner for policing points out that 124 of the 175 Patten report recommendations have now been fully implemented, which is a considerable achievement. Among the outstanding issues, the absence of Sinn Féin from the policing board and the district policing committees is now one of the most significant. Therefore, it is vital that political support for the new arrangements becomes universal so that the reform process can be brought to full fruition.

Mr. M. Higgins: That is the Taoiseach's version.

Mr. Treacy: What the Taoiseach and the Minister for Foreign Affairs have said is that we want progress. We want everybody to move forward together, we want to make the deadline of 24 November and we do not want any new preconditions to be created. In that way, we will know exactly where we are going. We had a text in December of 2004 which was an agreed text. We were almost at the finishing line, with everybody about to sit down together.

There are advantages in everything. We have the preparation for the government committee. I pay tribute to all those involved in that committee, especially MLAs Molloy and Wells. Much dialogue, discussion and negotiation is taking place at that committee. A start has been made. We want to continue with the dialogue and to build trust. We want everybody to endorse the policing services and become involved with them.

Every political party with a mandate in Northern Ireland has a serious moral, political and public responsibility to give leadership and to be engaged and involved to achieve a consensus that will build trust and confidence in order that a structure can be put in place to allow the people of Northern Ireland to do their own business, with the support of the two Governments. That is our goal and desire.

Mr. M. Higgins: Therefore, it is the Taoiseach's version which is Government policy.

Mr. Treacy: The Taoiseach is the man who gives the leadership to the nation.

Mr. M. Higgins: Yes, of course.

Mr. Allen: Sometimes.

Adjournment Debate Matters.

Acting Chairman: I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 21 and the name of the Member in each case: (1) Deputy Cowley — that the Minister explain the reason Ballina Town Council has encroached upon a special area of conservation to build a car park; (2) Deputy Catherine Murphy — that the Minister comment on the benefits or drawbacks which have accrued since the abolition of the dual mandate; (3) Deputy Stanton — that the Minister outline the environmental and heritage impact of the construction of a new prison complex on Spike Island; (4) Deputy Broughan — that the Minister report on the mediation process in the Corrib gas dispute; (5) Deputy Hayes — that the Minister outline the reason those eligible for pensions have to wait 14 weeks to have their applications processed; and (6) Deputy Glennon — that the Minister address the issues arising from the recently concluded tendering process for the administration of the nursing homes refund scheme.

The matters raised by Deputies Glennon, Hayes, Stanton and Catherine Murphy have been selected for discussion.

Sitting suspended at 4.45 p.m. and resumed at 5.45 p.m.

Hepatitis C Compensation Tribunal (Amendment) Bill 2006: Second Stage (Resumed).

The following motion was moved by the Tánaiste and Minister for Health and Children, Ms Harney, today:

That the Bill be now read a Second Time.

Debate resumed on amendment No. 1:

To delete all words after "That" and substitute the following:

"Having regard to the fact that the Bill contains matters unrelated to the issues that were the subject of extensive discussions with interest groups representing affected persons and the additional matter adversely affects the interests of those persons and having regard also to the failure of the Minister for Health and Children to publish an explanatory memorandum outlining her reasons for including the additional matter, Dáil Éireann declines to give a second reading to the Bill."

—(Deputy McManus).

Mr. Callely: I am grateful for the opportunity to speak on this Bill. I offer my congratulations to the Irish Haemophilia Society, the Irish Kidney Association, Positive Action and Transfusion Positive on their excellent work in representing their members and keeping this issue to the fore over many years. I understand that the Bill will establish a statutory scheme to address the insurance difficulties experienced by persons infected with hepatitis C and HIV through blood products administered by the State.

Unfortunately, most people in this country are familiar with hepatitis C because of the many thousands of unfortunate people infected following the administration of contaminated blood and blood products through the Irish Blood Transfusion Board.

We understand that hepatitis C can vary in severity. A person can suffer from acute hepatitis C, where there is a rapid onset of the disease, or chronic hepatitis C, where the onset is gradual but will be of long duration. The main means of contracting hepatitis C is through contaminated blood, which is how the people we are discussing were infected. The disease can also be passed from mother to baby.

The real tragedy of hepatitis C and HIV lies in the fact that there is no vaccine or cure for them at the moment. Those affected must live out their lives in the shadow of chronic diseases and are likely to require long-term medical care. The Bill addresses three elements in an attempt to alleviate hardship. These elements are compensation, the special health card and life assurance support. I understand that adequate funding for the scheme will be made available by the Exchequer for approximately 30 years.

The supports currently available to those infected consist of the hepatitis C and HIV compensation tribunal and the Health (Amendment) Act, which provides for a range of free health care services. The compensation tribunal was established in 1995 to compensate those infected and became a statutory body with the enactment of the Hepatitis C Compensation Tribunal Acts of 1997 and 2002, which make provision for compensation to those infected by HIV as a result of receiving a relevant blood product. I understand that the State has already paid out over €250 million in compensation to over 1,300 women infected with hepatitis C and that the final payment is expected to top €500 million.

However, these are mere figures which cannot calculate the devastation caused to these women and their families following their infection. The Health (Amendment) Act Card entitles those affected to general practitioner, nursing and home help services, as well as counselling services for them and their families, regardless of income. Prescribed drugs, medicines and medical and surgical aids and appliances are also available. Those affected are entitled to these services for life.

There is no suggestion that any amount of money, the required supports or services to which

I just referred or any other form of compensation can ever make up for the suffering inflicted on those people who were infected with HIV or hepatitis C because they received contaminated blood or blood products from this State. It is hoped that this Bill, while long overdue, has the potential to provide the necessary answers and supports sought by sufferers and the relevant advocacy groups.

The inability of sufferers to buy life assurance, mortgage protection policies or travel insurance has added to the hardship experienced by them and their families. This issue of insurance was highlighted by advocacy groups and the consultative council on hepatitis C as far back as 1997. The Department of Health and Children initially sought advice from the insurance industry, while also consulting with advocacy groups on solutions to the problem. I understand that there are two separate issues for people with hepatitis C and HIV regarding insurance. Certain people can only obtain insurance with increased premiums, while others are deemed uninsurable by the insurance industry. The Government has proposed to deal with the problem by paying the additional risk premium where the insurance provider is willing to provide cover, subject to an additional premium. Where no assurance is available, the State will assume the risk on the life cover. In each case, the person requiring insurance will pay the average basic premium which an uninfected person of the same age and gender would pay. This effectively evens the playing field for those with hepatitis C and HIV.

It is a matter of grave concern that groups representing haemophiliacs infected with hepatitis C and HIV through State-administered contaminated blood products are not completely happy with the content of this Bill. Before I entered the Dáil at 5.36 p.m., I received a memorandum from one of the advocacy groups which makes three points. The first is that in its communications over several years, the group always believed that this Bill would be stand-alone legislation and that there was never any question of linking it to any other scheme or mechanism. The group argues that the changes mean some of its members and some members of other advocacy groups will be disenfranchised and prevented from taking part in the compensation scheme. The group's second point is that subsections (a) and (b) of section 1 and sections 2 and 6 should be deleted and that if this were done, all the advocacy groups would endorse the Bill. The group's third point is that the advocacy groups are happy to engage in discussions with the Department to address any changes that may be required to the hepatitis C compensation scheme.

I am known as a person who likes to deliver, achieve results and ensure that measures are all inclusive. I am surprised that we have travelled this road and are in possession of this legislation but are still receiving communications of this nature at this late stage from people who honestly

[Mr. Callely.]

and in good faith engaged in discussions to achieve satisfactory results but who are not satisfied with the legislation at the eleventh or twelfth hour. This situation is completely unsatisfactory. I urge the Minister to give due consideration to the concerns set out in the fax I received and other concerns voiced by groups representing those who have been infected. They have waited long enough for their needs to be met. They were infected because of errors in the use of blood products by State agencies. I am surprised we find ourselves in this situation. We should do all we can to address their concerns.

I understand that the Irish Haemophilia Society, the Irish Kidney Association, Positive Action and Transfusion Positive all oppose the Bill, which introduces a new scientific definition for hepatitis C that is used in other jurisdictions. Such a definition can be used but we should also examine the situation in this jurisdiction and work with these groups to secure agreement. The Bill specifies that the person has not been diagnosed positive for hepatitis C for the purposes of the Act unless the diagnosis is based on a positive ELISA test or if the person has displayed symptoms of acute infection such as jaundice or raised ALT levels within 16 weeks after the administration of the anti-D blood product. The advocacy groups contend that this definition will exclude a number of haemophiliacs who were treated with infected blood and who have displayed medical symptoms of hepatitis C but who have as yet not tested positive for the disease. I understand that the advocacy groups are also critical of an amendment to the Hepatitis C Compensation Tribunal Act 2002 which restricts the entitlement of some spouses and partners of hepatitis C sufferers to claim compensation.

This Bill is designed to acknowledge the rights and meet the entitlements of those who contracted hepatitis C and HIV from blood products provide by the State. If the Bill is not effective in doing so, we must re-examine its content. I believe that amendments will be made to this Bill before it is enacted. While I acknowledge that the provisions in the Bill regarding the definition of hepatitis C bring Ireland in line with other jurisdictions where compensation schemes operate, we as public representatives must be satisfied that we have done all we can to deal adequately with the consequences of the infection of people through State-administered blood products. Those who contracted hepatitis C and HIV as a result of contaminated blood products have a basic entitlement to life assurance and mortgage and travel insurance in line with the rest of the population. It is not acceptable that they are discriminated against because of their health problems and it is up to the Government and the House to ensure they are treated equitably and with dignity. This means that those who were infected should be able to obtain insurance cover in line with the rest of the populace.

This is an urgent matter and those who were infected should not find themselves in this position or wait any longer. We must ensure that the Bill addresses all their concerns. I earnestly ask the House to unite and ensure the passage of appropriate legislation. It is my understanding that the people involved in the discussions, particularly the advocacy groups, clearly put forward their case during the months and years preceding the Bill's introduction to the House. Most Deputies are anxious to ensure that their desires are met. Therefore, I do not understand why we cannot proceed in the most appropriate fashion to get the best result for the people seeking our support and assistance on this issue. I look forward to the developments that will hopefully take place on this proposal during the coming hours.

Ms Lynch: I concur to a great extent with many of the last speaker's comments. Having this legislation before the House that has been in the making for the past nine years and on which there was extensive consultation in the past two years beggars belief. The people who entered the negotiations with the Tánaiste's officials did so in good faith. They are not unreasonable people. If we were dealing with unreasonable people, this debate would not be so calm. They are not rebels or out to cause trouble. Rather, they had normal lives until this happened to them. They needed to become politicised to get action and to ensure that their difficulties were managed in a statutory framework. While they achieved this, it was not easily done.

The next obstacle they needed to surmount was that of insurance. We are discussing young men and women who could not get mortgage protection and, therefore, could not get mortgages. We are discussing people in their early 50s who had paid their mortgages and wished to take holidays. Despite being nervous about getting sick while abroad, they could not get travel insurance because of particular health problems. We are discussing men and women with young families who could not get the life assurance policies that would have given them and their families a degree of comfort. These are privileges we all expect. For fear that anyone will claim that I did not say so, I should have commenced by stating that I have an interest in this matter, as I am rhesus negative and was given anti-D in 1977.

We are discussing normal people who were hoping to live normal lives. The events that occurred were not of their making. The people responsible walked away scot free, which was the greatest injustice of all. We are not only discussing women, but a range of people, such as young men and women and those in their prime as we would currently define it. These people had perfectly normal lives and in certain circumstances were given transfusions of infected blood. Women who went to hospital for what should have been one of life's most joyous occasions,

namely, having a baby, received anti-D and suffered the consequences.

Why are these three provisions in the legislation? The Title of the Bill makes no reference to insurance, yet the Bill is fundamentally about that issue. It should be stand-alone legislation, but this is akin to a three-card trick merchant playing "Find the lady". In any major European city, a huckster putting together a three-card trick table would be arrested and run off the streets for fraud, but here it is in Parliament, introduced by someone whom we all expected to be a caring Tánaiste. She has been badly advised. When she stood up in the Chamber this morning and said that no one will be excluded by the Bill, she was not telling the truth.

There are people who have still not made the connection between infection and their ongoing bad health, nor has it occurred to their general practitioners. There are people who are about to fall in love with someone who has been infected. They are not considering compensation or their future beyond what we all considered when we fell in love, that is, a happy-ever-after ending. However, in this instance, it will not be happy ever after. There will be consequences and matters to be managed. It was in this context that the original compensation Act was introduced. It put in place a structure that enabled people to manage lives that had been altered by the State, not to research a cure.

When the Tánaiste says no one will be excluded, she is wrong. I do not know who is advising her, but those people are wrong. The reason they are advising her is interesting — the mindset of closing off an appalling vista. I have news for them. The appalling vista happened between the late 1970s and early 1990s. This Bill tries to set right the appalling vista and the Government, which appears to have a death wish, will bring down on its head an awful price that it must pay. Is it true that circumstances change but we do not, as mentioned by the last speaker? In this instance, it seems to be the case.

The Tánaiste rightly stated that Positive Action agreed that the definition should be based on a diagnosis by the ELISA test. That was the case in the original Bill presented to the then Minister for Health in 1995 before the 1997 Finlay report, which has been accepted as the Bible in the matter. The Bill is about the three-card trick and spin, but the latter will not work, as the people involved are so conversant with this legislation and so aware of the consequences of this change to their lives that they will not be fooled.

It is important that the conclusions of Ms Justice Finlay Geoghegan on this issue be read into the record. However, we now have evidence in the form of a letter from the blood bank, as it was then, to Ms Justice Finlay Geoghegan. Referring to the fact that only a maximum of 100 people were affected, which makes it astonishing that the Minister's advisers are allowing this to happen, it states:

However we now have evidence that it is also possible (although apparently rare) for a person to be infected and subsequently lose both detectable virus and indeed detectable antibodies. This happened in the case of donor Y. While we have no laboratory means of identifying these persons, we have however taken a history of symptoms or signs from those who received BTSS anti-D. We are thus aware of 74 recipients of 1977 anti-D who had an episode of jaundice at that time which is most likely to be related to exposure to hepatitis C.

We need to start reminding ourselves that the first we heard of this was on "Morning Ireland" in 1991 or 1992. The first the blood bank heard about it was in 1990 or 1991, when the university in England which was carrying out the test for the blood bank wrote to the BTSS in Dublin. The letter was from the original report into what went wrong in the blood bank and stated that there was something in the blood. It was not non-A nor non-B but something else was there.

It was first discovered 15 years ago that hepatitis C existed. Now the Minister for Health and Children tells us that men, women and children who were infected in the peak year in 1977 should have a conscious history of their symptoms, but this disease does not have a history. We do not know enough about it, because it is so new. However, the Minister does, as do her advisers, who say if people test negative under ELISA it means there is nothing wrong with them. That is complete rubbish. Experts in the field will say they do not know everything about the disease, but they know that nothing is foolproof and that ELISA does not pick everything up. Women test negative for both antibodies and virus but will swear they have been infected and suffer the symptoms. How can the Minister say nobody will be excluded when people do not even make the connection between infection and symptom?

One witness called by the State, and I am sure the Department officials will know of this because they seem to know everything else, made a very telling report. He writes:

However, several longitudinal studies have documented the subsequent loss of antibody reactivity over time in those with cleared infection. In the East German anti-D cohort from whom early samples were available for testing, 18 from 43 women who cleared infection became seronegative for antibody over an interval of ranging 8-20 years.

An Leas-Cheann Comhairle: Does the Deputy have a reference?

Ms Lynch: The statement is by Professor Peter Simmonds. It continues:

Similarly, 11 from 63 cleared infection over 10 years from infection clearance, and a further 9 from 56 over 3 years in a community based

[Ms Lynch.]

study in Italy, comparable to the loss of antibody in prospectively followed haemophiliacs (3 from 12 over 6-15 years;) and post-transfusion non-A, non-B hepatitis patients (6 from 90 over at most 23 years;). In common with the seropositive individuals with cleared infections (see above), where investigated, none of individuals who became seronegative in these various cohorts showed evidence for ongoing replication of HCV, either from PCR testing of plasma samples, or from liver function test abnormalities attributable to HCV.

The lack of stored samples from women who received HCV-contaminated anti-D immunoglobulins in Ireland has prevented longitudinal studies of the outcomes of HCV infection comparable to the above studies. However, I am aware of the evidence presented at the HCV Tribunal that several women who received contaminated batches of Irish anti-D immunoglobulins in 1977 or 1978 became jaundiced shortly after prophylaxis (therefore providing evidence for acute infection with HCV), but who are now negative for antibodies to HCV. This is fully consistent with the findings for frequent loss of anti-HCV antibodies in cases of resolved infections.

This statement is by somebody who studies the subject for a living and was the State's witness. He says one can clear the infection and the antibodies but the symptoms will persist, but the Minister says they will not. She will only accept the very specific scientific ELISA test. Does she think consultants who testify on behalf of somebody who tests negative are telling lies? Does she not trust her own tribunal to deal with these issues? It is incredible that the Minister for Health and Children should replace a scheme that was working perfectly well with another piece of legislation, thereby retrospectively altering legislation which was hard fought for and was directed at a group of people, both men and women, whom this State infected. Whether we like it or not that is what happened. It infected them because we were not proactive enough in testing blood products.

The shutters came down after 20 June. I have asked for sunset clauses in legislation before and have been told they were not necessary but in this case one is applied on the day the Bill was produced and no further claims will be accepted after that date. That is outrageous. We have still not received an explanatory memorandum so I still do not know why it has been done.

The people affected constitute very small groups. One is rhesus-negative, pregnant women whose husbands were rhesus-positive. There are also small groups of people who received blood transfusions and who had renal failure.

The Tánaiste said €660 million has already been spent. I can see the headlines. People will ask what we are doing. Just over 2,000 people

were compensated — that is how small the figure was. The consequences were not minute but the number was very small. The rest of the money will go to pay for the tribunal and legal expenses.

This legislation is mean and mealy-mouthed. I cannot find words to describe it. It also limits people who will never go to a tribunal or to the High Court and as a result of this alteration to the hepatitis C compensation tribunal legislation, they will not receive a medical card either. The Bill says to people to test positive after all this time. All the scientific data states that over a period of time, the majority of people will clear the virus and the antibodies. How is one to realise that test? It cannot be done. That test is not fool-proof and, hopefully, with the advance of science, we will have a better test which picks up things at a much lower level.

Another witness called by the State spoke about the effectiveness of the ELISA test. Dr. David Foster said, in response to a question about whether the ELISA test would pick up people who had been infected, that "There is a real danger that to exclude a person who cannot show a positive ELISA Test will give rise to injustice". He also said:

I think again it is a question of level and cut off. What happens in the simple ELISA is that patient's serum are allowed to bind to Hepatitis C proteins and the level of binding is then assessed. Whether there is positive or negative depends on a cut-off value and the cut-off value is defined at the level at which the vast majority of people who have active Hepatitis C have a number greater than that, and the vast majority of people who do not have active Hepatitis C are lower than that. So clearly there is a cut-off level.

He goes on to state that one could have a lower level and be infected but that one would not test positive with ELISA.

I still do not understand why the Government has introduced this legislation. There is paranoia in some Departments that we face an appalling vista and, therefore, we must legislate to restrict it. That appalling vista occurred between 1977 and 1991. I hope we will try to sort out what happened then rather than damn these people once again. This is appalling legislation and I appeal once again to the Tánaiste to abandon it and to come back with the type of Bill these people thought they would get, that is, a comprehensive one dealing with insurance.

Notice taken that 20 Members were not present; House counted and 20 Members being present,

Minister of State at the Department of Health and Children (Mr. S. Power): I am happy to have the opportunity to speak on this very important legislation. The Tánaiste has already explained in detail the provisions of this Bill and commended it to the House. As the Tánaiste said, officials

have been in discussion with the four support groups on the details of the Bill and have taken their concerns on board. One of the issues raised by the support groups and which was also referred to by several Deputies was the matter of the ELISA test. As a result, the Tánaiste has decided to table an amendment on Committee Stage to extend the number of tests that can be used to determine eligibility to include RIBA and PCR tests. Like the ELISA test, the RIBA test is also used to diagnose the presence of antibodies to the hepatitis C virus while the PCR test identifies whether the virus itself is present in the individual's bloodstream.

In addition, to cater for the development of new and more sophisticated tests in the future, the Tánaiste intends to table an amendment that will allow her to make regulations adding new tests to the ones already specified. As Deputy Lynch mentioned, tests are developing rapidly and she expressed the wish that some new tests might appear in the near future. We are allowing for that should it arise. When the Tánaiste opened today's debate, she acknowledged the contribution of the four hepatitis C support groups — the Irish Haemophilia Society, the Irish Kidney Association, Positive Action and Transfusion Positive — in working with officials on the details of the insurance scheme and thanked them for their significant effort in bringing matters to a conclusion. I reiterate the Tánaiste's sentiments and acknowledge the fine work done by the support groups, not alone in regard to this Bill but in representing their membership so assiduously over the past decade.

The Irish Haemophilia Society and the Irish Kidney Association were already in existence when the tragedy of hepatitis C afflicted their members. This gave both societies a new and tremendously difficult challenge to face in supporting their members, who not alone had to cope with the trauma of their underlying condition but had the added burden of another serious illness with which to cope.

Following the identification of the links between anti-D and hepatitis C in February 1994, Positive Action was formed later that year to represent the women infected with hepatitis C through the administration of anti-D. As information on the anti-D disaster became known, it became clear that the virus had been transmitted onwards via blood donations, and, as a result, Transfusion Positive was established in 1995 to represent the men, women and children infected with hepatitis C through blood transfusions administered within the State.

As we know only too well, hepatitis C does not respect age or gender. Those affected have included men and women, from the very young to the elderly and all ages in between. I am aware that State-acquired hepatitis C is often wrongly associated in the public mind as affecting women only. However three of the four support groups represent men as well as women infected with

hepatitis C through blood transfusion and blood products, and their needs are always given due regard. The executive members of all four support groups have always striven to act as advocates on behalf of all the different strands that go to make up their membership, and have always been vocal in representing their interests.

From an early date the support groups entered into negotiation with the Minister for Health and Children and officials of the Department. It soon became clear they had a strong and coherent voice that needed to be heard. During 1994 and 1995, Positive Action and Transfusion Positive were recognised formally by the Department as the main representative bodies for persons infected through anti-D and through transfusion respectively. That position remains unchanged today.

As the tragic effects of the hepatitis C virus became known and more sufferers were identified, the organisations' numbers grew. From the effects caused by hepatitis C came the solidarity of people supporting each other through adversity and working in the best interests of their relatives, friends and fellow members. The position of all four organisations was recognised when the Consultative Council on Hepatitis C was established in 1996, and all four were given a statutory entitlement to places on the council. From its first meeting in 1997 to its most recent meeting earlier this month, the support groups' representatives on the consultative council have worked tirelessly on behalf of their members to ensure their concerns were addressed.

The support groups did not confine their advocacy role to negotiations at the national level but undertook to represent their members in their dealings with regional and local services. At hospital and regional level the organisations have interacted with service providers to ensure the needs of their members are recognised and that services are responsive to those needs.

Transfusion Positive played a major part in lobbying for improved facilities for children with hepatitis C at Our Lady's Hospital for Sick Children, Crumlin, and this was acknowledged at the opening ceremony last year for the new medical tower at the hospital. To its credit, the organisation was always anxious to ensure that the very best facilities were available to all children with the virus, not only the children it represents. The dissemination of information to parents of children with hepatitis C has also been another area to which Transfusion Positive has made an invaluable contribution.

From 1994 onwards, Positive Action developed a strong and responsive organisational structure to support and represent its members. The organisation also developed effective lobbying skills and was instrumental in the establishment of the Finlay tribunal in 1996. The outcome of the tribunal led to a massive overhaul of the Irish Blood Transfusion Service, which is now at the forefront of international developments in transfusion

[Mr. S. Power.]

medicine. It is a testimony to how far Positive Action has come and the high esteem in which it is held that its founder member, Ms Jane O'Brien, was appointed by the Tánaiste as a member of the board of the Irish Blood Transfusion Service.

The Irish Kidney Association was already faced with the enormous challenges posed by renal disease when some of its members were affected by the doubly cruel blow of infection with hepatitis C. Despite the thankfully small number of renal patients affected by the virus, the association from the beginning recognised the importance of providing professional counselling for this cohort and has been at the forefront of patient support and advocacy for its membership. In addition, the critical contribution of organ donation in giving new life to both renal and liver patients was always a particular focus of the Irish Kidney Association. Its chief executive officer is tireless in his efforts to promote organ donation awareness nationwide, not alone for the benefit of hepatitis C patients, but for the benefit of all those who need a transplant now or may need one in the future. The continued success of the Irish liver transplant programme, operated through St. Vincent's Hospital in Dublin, is a testimony to the sterling work performed by the Irish Kidney Association in promoting organ donation.

The special contribution of the Irish Haemophilia Society to the support of its members with hepatitis C cannot be over-emphasised. Nor can any of us comprehend the depth of the tragedy suffered by its members, having first become aware that so many of them were infected with HIV to then find that some were co-infected with hepatitis C. Others, having escaped the scourge of HIV, found they had instead been infected with hepatitis C.

The disaster which befell the Irish Haemophilia Society and its members has been well documented in the media and through the Lindsay Tribunal, but this is only part of its story. Most people will not be aware that despite, or perhaps because of the suffering they have endured, the Irish Haemophilia Society has played a major role in working to improve the lot of persons with haemophilia not alone in this country but around the world. The society is currently twinned with its counterpart in Bosnia and encourages other Western countries to participate in twinning arrangements with their less fortunate colleagues. The former chairman of the society, who for many years was also chairman of the World Haemophilia Federation, acts as a roving ambassador to haemophilia societies in some of the poorest countries in the world. He works tirelessly to assist them in gaining the most basic services for their members.

One of the hallmarks of all the support groups is the important role played by family members, sometimes as active members of the organisation

or else providing invaluable support behind the scenes. Today, as well as acknowledging the role of the support groups, it is also timely to pay tribute to the families affected by the virus and to recognise the debt we all owe to these families. I hope the insurance scheme introduced in the Bill will go some way towards giving autonomy back to these families and allow them to avail of the mortgage and life assurance that are part and parcel of the essential supports every family needs to protect the financial security of its members on the same basis as the rest of the community.

First and foremost, however, the provision of this insurance scheme is a public acknowledgment of the needs and entitlements of the men, women and children infected with hepatitis C through blood and blood products. The credit for this must go to the chairpersons and executives of the four organisations, who have worked so hard and achieved so much.

There is no doubt this is an important measure that will provide support to people diagnosed with hepatitis C or HIV as a result of receiving contaminated blood or blood products from the State. For years it has been obvious that infected people's inability to buy life assurance and mortgage protection policies created additional difficulties to those they were already experiencing. The Bill addresses an inequity that has existed for several years. There has been criticism of certain aspects of the Bill but there can be little doubt that the scheme will be of great benefit to the persons infected with hepatitis C and HIV administered in State blood and blood products. I hope the amendments proposed by the Tánaiste will address some of the concerns expressed inside and outside the House in recent times.

Debate adjourned.

Personal Explanation by Minister.

An Leas-Cheann Comhairle: I have agreed to allow an personal explanation by the Tánaiste and Minister for Health and Children, Deputy Harney.

Tánaiste and Minister for Health and Children (Ms Harney): This morning, Deputy Rabbitte asked me about the timing of the receipt of the Barr report into the shooting of John Carthy in Abbeylara. I told him at that time that we expected the report tomorrow. Since this morning, I have learnt that this will not be the case. The tribunal stated today that the report is not expected until the middle of July. I apologise to the House and the Carthy family for any upset caused.

Hepatitis C Compensation Tribunal (Amendment) Bill 2006: Second Stage (Resumed).

The following motion was moved by the Tánaiste and Minister for Health and Children, Ms Harney, today:

That the Bill be now read a Second Time.

Debate resumed on amendment No. 1:

To delete all words after “That” and substitute the following:

“Having regard to the fact that the Bill contains matters unrelated to the issues that were the subject of extensive discussions with interest groups representing affected persons and the additional matter adversely affects the interests of those persons and having regard also to the failure of the Minister for Health and Children to publish an explanatory memorandum outlining her reasons for including the additional matter, Dáil Éireann declines to give a second reading to the Bill.”.

—(Deputy McManus).

Mr. Nolan: I welcome the opportunity to speak on this legislation. Many people have been affected by contaminated blood, not only women, as many previous speakers indicated, but also men. This has had a catastrophic effect on the individuals concerned and their families and friends. While the Minister’s proposals will not compensate them for the grief and suffering they have endured, it will go some way towards addressing some of the problems with which they must deal during their lifetime. There is no cure for this infection and the State must accept full responsibility for it and in some way compensate the victims.

The purpose of the Bill is to provide reasonable access to the insurance market for those infected by contaminated blood products who cannot obtain life or travel insurance and to provide that the Government will pay the balance where individuals are able to get some degree of insurance but the insurance companies have loaded their premiums. Insurance companies are not to blame for loading premiums in some cases as they are commercial entities for which the bottom line is the need to stay in business.

The Government is accepting its responsibility and I hope the House will pass the legislation. I am also pleased to note that the Minister will accept on Committee or Report Stage the inclusion of additional tests to determine eligibility for the scheme and that it will be possible, through ministerial regulation, to accommodate any new tests which become available in the future.

It is important to place on record the support provided to the individuals affected and their families by various support groups through professional counselling. I am aware at first hand of the impact this infection has had on the unfortunate individuals who have had to deal with this tragedy.

For many years, people infected with hepatitis C have made a reasonable case that a method of addressing the insurance difficulties they and their spouses have faced has not been accommo-

dated. No particular solution to these difficulties was readily available. The Government, through this legislation, is introducing an internationally accepted system of tests used by many other countries in assessing eligibility for the various benefits available to those who have suffered infection. Many of the individuals infected by contaminated blood products find it almost impossible to obtain any type of insurance. The Government accepts its responsibility and is taking action in this regard.

In order to take a consistent approach, the Government agreed that a hepatitis C diagnosis should be defined in terms of a scientific test. A number years ago we had the scandal of the Army deafness cases when a redress scheme was abused. I would not like this episode, which I have raised in the House previously, to be repeated in any other case. While I am not implying that anyone will abuse the scheme proposed in the legislation, I observed how the legal profession abused a scheme established by the Government in a genuine attempt to help individuals who had suffered badly as a result of their membership of the Defence Forces. The scheme was hijacked by a number of solicitors’ firms which trawled the country in search of former members of the Defence Forces. They then effectively told those people that they had a hearing disability and should apply for compensation under the scheme.

The Government, through this legislation, is trying to establish a fair system for diagnosis for individuals infected by hepatitis C and make their life a little easier. To ensure the support scheme is operated in a fair and equitable manner and those determining eligibility under the scheme use clear, consistent criteria, the Government has decided that the diagnosis will be determined by means of an internationally accepted test. The Minister of State, Deputy Seán Power, indicated that future Ministers will be able, by means of regulation, to introduce new tests as they are developed.

Since 1997, it has been clear that the inability of infected persons to obtain life insurance or mortgage protection cover has added further to the great damage they have already suffered. This was one of the issues raised by the consultative council on hepatitis C from its earliest meetings in March 1997. Determining an appropriate scheme for diagnosis is difficult and we must look to internationally accepted criteria to determine eligibility.

I hope the House will accept the Bill on the basis that it marks a further step in trying to make life a little easier for the unfortunate individuals infected by contaminated blood products and their families. This is not, however, the end of the process as the House will enact many more Bills and regulations to accommodate the needs of the families in question.

Dr. Cowley: I am pleased to speak on the Bill, which shows what has been the position of several Governments on this critical issue affecting people's health. It is symptomatic of much that has occurred and tells a sad and sorry story. In the early 1990s the Irish Blood Transfusion Service, as it was then known, diagnosed a number of people with hepatitis C but did not inform them immediately, which put the individuals in question and their families at great risk. In some cases, people were not told for years that they were infected. This issue was the subject of four legal cases, one of which is before the High Court. Its legacy includes the deaths of at least 88 haemophiliacs who contracted HIV from contaminated blood products and the infection of more than 1,000 people with hepatitis C from infected batches of anti-D.

The deaths of 88 haemophiliacs is terrible and regrettable. We learnt today that, since Christmas, eight people infected by the State with hepatitis C or HIV have died and that these individuals, two of whom were women aged 48 and 49 years, respectively, had no life insurance at the time of their deaths. Either they could not obtain life insurance or were quoted premiums that were so high as to be out of their grasp. No company wanted to provide them with life insurance cover because they were considered too high a risk on the grounds of a disability, namely, hepatitis C or HIV. Instead of the State protecting their constitutional rights to bodily integrity, as it is obliged to do under the Constitution, the agents of the State killed them by giving them infected blood product which caused the predicament in which they found themselves. I welcome the provisions in this Bill rectifying the life insurance position. It is the least the State should do. The only pity is that it has taken so long, nine years, which is scandalous. As a medical student in 1991 I went to the United States on a J1 visa to try to earn some extra money. I remember seeing advertisements on the streets of New York seeking blood donations in exchange for dollars. Everybody knew that drug addicts donated blood regularly as a revenue earner to feed their drug habit. It was, therefore, no surprise that HIV and hepatitis C turned up in donated blood. I am glad compensation has been paid to some of the victims. The Irish Government has paid €660 million in legal fees and compensation so far to some 2,000 victims of the contaminated blood scandal. Although that is a lot of money, it is only money and cannot give those people back what has been taken from them. It has wrecked people's lives and health and taken loved ones away from their families, mothers, fathers, sons, daughters, aunts, uncles, grandmothers and grandfathers.

It is terrible that so much money had to be paid because of negligence and the failure of the State to do what it should have done. It is remarkable how so much harm was done by people not doing what they were supposed to do. I worked in Mayo General Hospital as an obstetric house doctor

around the time the infected batches came out. One of my tasks as a junior hospital doctor in obstetrics and gynaecology was to inject rhesus negative women after the births of their children with the anti-D blood product to kill any cells of the baby's blood that might have crossed from the afterbirth to the mother, and which could sensitise her to the baby's blood and make antibodies which could affect future pregnancies. This injection has eliminated a serious condition. However, when one has such an injection one expects it to be safe and when it turns out that some were lethal injections with such a terrible cost to people's lives, one must question what happened and how it was allowed.

Little did we realise that certain batches of this blood produce were infected and that the agents of the State were aware of the international concerns for some time but did not take the proper steps to ensure infected products did not get into this country. Unfortunately infected products did in and it is a matter of public record through the Lindsay inquiry that a catalogue of failures, neglect and inadequacies was perpetrated by the then Irish Blood Transfusion Service Board. Unfortunately most of the victims are women who were infected with hepatitis C when they received the infected blood products in this way. Approximately 1,000 of the victims were recipients of anti-D blood products and 700, mainly renal patients and haemophiliacs, received blood transfusions or blood clotting factors. It is terrible how this happened and how the victims, their families and the taxpayer must live with the consequences of somebody else's mistake. It is unacceptable that this Bill contains changes of which the advocacy groups concerned were not aware until Tuesday of last week.

I laud the work of Transfusion Positive, Positive Action, the Irish Haemophilia Society and the Irish Kidney Association on behalf of victims and their families. When I met haemophiliacs in my professional career as a GP I was always affected by the fact that people were born with this affliction and that if they fell, instead of just a bruise, they could suffer bleeding into their joints because they lacked a basic clotting factor. When this happened it was a terrible situation and that bleeding had to be stopped with an injection. Those young children were always very brave. To think that some of them received a lethal product which would lead to their deaths affected me. If it affected me, what must it have done to their families to lose a child in that way? For haemophiliacs to be affected like this was unforgivable.

The main change causing problems includes an amendment to the Hepatitis C Compensation Tribunal Act, which requires all new applicants to the tribunal to undergo stringent scientific tests to prove their condition instead of relying on the word of a specialist hepatitis C doctor. I note the Tánaiste's addition of the other tests, which is important. This area is not as cut and dried as people might think. It is still a grey and evolving

area and epidemiological information is still coming to light about the value of these tests. A medical colleague informed me that he was surprised when a patient of his tested positive for hepatitis C, but two subsequent tests proved negative. This raises the argument that if one can get a false positive test, one can get a false negative test. Most infected people remain infected until treated. Some have lost the virus from their systems but they will still retain antibodies. There are exceptional circumstances where somebody who has contracted hepatitis C can have a negative antibody or ELISA test. For example, in a health worker who contracted the hepatitis C virus from a needle stick injury one could monitor the liver function test beginning to rise as evidence of infection. By intervening early with the antiviral drug, Interferon, in theory at least, it is possible that the immune process could be prevented so that no antibodies are produced, resulting in a negative test, even though hepatitis C has been contracted. In other words, somebody could be infected with hepatitis C but form no antibodies. Therefore the tests are uncertain and if there is doubt the benefit of the doubt should be given to the afflicted person.

There is a human face to this. I have a constituent who is badly afflicted with hepatitis C and even though her consultant hepatologist is prepared to swear or give evidence that this person has hepatitis C, based on repeated clinical examinations, this is not acceptable. It should be acceptable and I have called for it to be acceptable on a number of occasions in this Chamber. Although the person to whom I refer is desperately ill, she cannot even get a medical card. This is a disgrace because she and her family are going through hell on earth. This lady has a young family and is in great need. She is in and out of hospital with various afflictions, all related to her hepatitis. She is constantly in need of the services of her GP and consultant hepatologist and she must bear these crippling costs. She and her family have enough to worry about trying to keep her well and dealing with the fact that she is ill and unable to do the things any mother should be able to do with her children, to take part in their play and be with them as they grow up. This lady is in a poor state and should not have to worry about the terrible financial hardship she is undergoing.

This situation must be resolved. Humanity cries out for people like this to be given the support they need. I have pleaded with the Tánaiste to reconsider her stance on providing free health care for this poor lady and the estimated 100 women who are severely affected by hepatitis C and who have not tested positive, as this lady has not, but have every other manifestation of the illness. This is a small number of women so affected, but their need is great. The Tánaiste has informed me that while she is sympathetic to the women, she cannot support an extension to the current eligibility requirements. Why not? It has

been said the Tánaiste is a very definite person. She does not do the nuances very well, however. I do not know whether this is correct but this is a definite situation and it is critical to look after these ill women, including my desperately ill constituent.

Haemophiliacs have got a raw deal. What has happened to them is unparalleled in any group and whatever can be done to help and support them should be done. It is very unfair to be born with such an illness but no words can describe what has happened to these haemophiliacs and their families. It is a gross injustice.

The State does not face up to situations it should face but tries to fight cases, such as that of Mrs. McCole, which cry out for justice that is not done. Instead, there is an attempt to deny, or worse, to fight someone who seeks justice and has a right to be treated fairly and with equity. This applies also in respect of autism. The money used to defend the indefensible should be spent on services.

I calculated from replies I received from the Department of Health and Children that approximately €8 million of taxpayers' money was spent on fighting the parents of children with autism who were trying to get health services for their children. I asked a similar question of the Department of Education and Science and found that approximately €12 million has been spent on fighting parents who were trying to secure special education for their children with special needs. Parents will do anything to ensure that their children receive the equivalent of a normal education, or as near to that as possible. Instead of spending that money on providing services for those people with special needs or children with autism, the Government spent it on trying to deny those children the right to the health and educational services they need and deserve. That amounts to €20 million, which is a large sum.

The Hepatitis C Compensation Tribunal (Amendment) Bill 2006 represents people infected with hepatitis C through infected blood and blood products administered by the State. The problems relate to sections 1, 2 and 6. In the past all groups were consulted prior to the publication of an amendment Bill but in this case it was sprung on them on 20 June for debate today, with the result that there is no accountability to the groups involved or the infected people they represent.

The groups feel that the new exclusion of consortium for partners of sufferers is underhand. In 2002 the then Minister for Health and Children introduced an entitlement for the spouses and partners of people with hepatitis C to claim for compensation for the loss of consortium. This morning the Minister, Deputy Harney, said that these changes do not discriminate against children, but the groups argue strongly against this. Today's children, tomorrow's adults, will have no safety net for their future partners.

[Dr. Cowley.]

Hepatitis C is a debilitating disease which can be more or less dormant for many years but a bout or flare-up of the symptoms can leave a person bedridden. Such a person, infected by the State, or his or her partner, should receive compensation. Similarly, it is wrong that those who do not test positive but have all the manifestations of hepatitis C, which the consultant hepatologist is prepared to state, can be denied the compensation they deserve and require.

The groups feel that this exclusion concerns money, not accountability. It was decided behind closed doors. There was no dialogue or debate with the people affected and the groups feel insulted that the Government is saying sorry but not showing regret. They maintain that the Minister has been in consultation with the relevant insurance groups and is following advice. She is aware that many people remain to be diagnosed and the floodgates have not yet opened. They say, "Infected by the State; the future will now not be the same as the past."

The ELISA test is the current hepatitis C determining test. A woman who last Monday tested negative on the ELISA test but has all the symptoms, and written confirmation from the then Irish Blood Transfusion Board that she received infected blood, is not entitled to compensation. The 100 women who have all the symptoms of hepatitis C but not a positive ELISA test will not be considered under this new legislation.

The Minister wants all testing based on the results of the ELISA test. A positive result will be the only form of recognition of the disease, as well as the RNA test which she has added, and other tests. To get this through quickly the Minister has verbally confirmed that those already in the system testing negative but with all symptoms will be compensated. I hope that the Minister will do as much as she can to try to include those 100 women who are not being compensated. They cannot even get medical cards.

In a reply to a parliamentary question on 7 March 2006 the Minister said that in September 2005 she told the groups representing those infected that they had her full support. Where is that support now? In January 2002 the Irish Blood Transfusion Board stated on paper that 64,500 women tested negative for hepatitis C but that 19,000 may have received potentially infected product.

The Government should consider seriously the deficits in this Bill and address the changes regarding diagnosis and consortium. I welcome the changes regarding insurance but nine years later they are not before time.

Mr. Fleming: I welcome the opportunity to speak on the Hepatitis C Compensation Tribunal (Amendment) Bill 2006. Earlier this month the Tánaiste announced the publication of this Bill to establish a statutory scheme to address the

insurance difficulties experienced by persons infected with hepatitis C and HIV through the administration within the State of blood and blood products. This important measure addresses the problem faced by these people of being unable to purchase mortgage protection and life assurance policies. These people were infected through no fault of their own. They received services from the State and were entitled to expect the highest possible standards. The Oireachtas on behalf of the State and various bodies on behalf the Oireachtas let those people down. Many were affected as a result. It is right that the State face up to its legal and moral responsibilities in this issue.

The Government acknowledges in the strongest possible terms that the infection of people with contaminated blood products was catastrophic for them and their families. While no monetary support or compensation can ever repair the damage, Ireland is doing more for victims compared with other countries in similar circumstances. No other country has introduced an insurance scheme. This Bill shows that Ireland is committed to working with the victims of infection to provide all the supports possible for them.

The scheme will cover the insurance risk of the 1,700 or more people who are entitled to avail of insurance products, regardless of other medical conditions they may have, as long as they pay the standard premium that an uninfected person of the same age and gender would pay. Such considerations might sound quite materialistic, but they are practical things which have to be taken into account if victims are to lead lives which are as normal as possible, enjoy normal facilities and have the security of insurance that other people have.

The enactment of this Bill will provide for a third form of recompense. The first form of recompense is compensation from the Hepatitis C and HIV Compensation Tribunal, which to date has awarded over €660 million to approximately 2,000 people. The second form of recompense is the special health card, which has been mentioned by various people during this debate. The cost of health care under the Health (Amendment) Act 1996 is approximately €15 million per annum. A third form of recompense — the life assurance support scheme — will be put in place with the enactment of this Bill. It is estimated that, over its lifetime, the scheme will cost approximately €90 million, which is small fry. It is not as if we will be providing €90 million in any one year — we will be providing €90 million over several decades. I expect the scheme will cost between €1 million and €5 million in any given year. The annual cost is not a serious issue. When one considers the State's moral responsibility in this regard, it is clear that the annual cost is not worthy of a row or a detailed debate. Even if the cost transpires to be greater than that currently envisaged, it should be borne in mind that the

State would be meeting a significantly higher cost if it was only a money issue.

The Tánaiste said clearly earlier today that the Government has agreed, in the interests of having a consistent approach to all these supports, that “a hepatitis C diagnosis”, under the Hepatitis C Compensation Tribunal Acts 1997 and 2002 and the Health (Amendment) Act 1996, should be defined in terms of a scientific test, known as the ELISA test. Alternatively, “a hepatitis C diagnosis” can also be determined if the person displayed symptoms of acute infection with jaundice within 16 weeks of the administration of an infective agent. I will come back to that aspect of the matter. The Tánaiste has indicated that some amendments to the Bill will be proposed on Committee and Report Stages, for example to deal with the ELISA test. I look forward to the relevant part of the legislation being broadened so it does not refer specifically to that test only. I understand it will be possible, as time goes by, to introduce regulations to make variations to the new testing regime.

The symptoms associated with hepatitis C include tiredness, aches and pains and depression. Many such symptoms are common to a number of conditions which are not associated with hepatitis C. It has been decided, to ensure the support scheme operates in a fair and equitable manner and that those determining eligibility under the scheme use clear and consistent criteria, that diagnosis will be determined by means of an internationally accepted test. A similar scientific definition of hepatitis C diagnosis is used in other jurisdictions, like the UK and Canada, where compensation schemes operate. Ireland is the first country to introduce an insurance scheme for victims in these circumstances. We will take further steps in respect of the various tests. I am sure the Tánaiste, who has been listening carefully to people over recent days, will make some movement in that regard. I cannot say at this stage how far she will be able to go. I am pleased that some amendments will be made when the Dáil debates this matter further tomorrow.

It should be noted that the expert group on hepatitis C, which is chaired by the chief medical officer of the Department of Health and Children and includes leading liver consultants and a member of Positive Action, agreed in 1998 that eligibility for the Health (Amendment) Act card should be determined on the basis of a positive diagnostic test for hepatitis C. Deputy Cowley has used his medical experience to tell the House about the cases of people who were given false diagnoses on foot of various tests. A positive reading is given in some cases when that should not be the case. In other cases, a negative reading is given when that is not accurate. It is important that we do not restrict ourselves to one particular test. Technology moves on as the years pass. We should provide for the flexibility to deal with changing circumstances.

I would like to speak about the question of consortium. The Bill proposes that compensation for loss of consortium will be awarded to the spouses and partners of infected people if the relationships commenced before the diagnosis of hepatitis C or HIV became known. New partners or spouses of infected people who knowingly entered such relationships after the diagnosis of hepatitis C became known will be unable to claim damages for loss of consortium. However, other headings of claim for compensation by persons in this category, such as loss of earnings, loss of society and post-traumatic stress, will not be affected by the amendment. I ask the Tánaiste to examine this provision in a humane manner, if possible. When I spoke to a representative of the Irish Haemophilia Society during my preparations for today’s debate, I was disappointed to learn about the problems in this regard. Given that we have a moral responsibility to people who were infected by the State through no fault of their own, the essence of what we should be trying to do is to allow such people to lead the rest of their lives in as normal a manner as possible, just like the rest of us can do.

People may not have been diagnosed with hepatitis C or HIV before they entered a relationship. This Bill is saying, essentially, that if they knew before they entered the relationship that they had such a diagnosis, they entered the relationship at their own risk. That is not fair or moral. One will probably find well-paid legal experts who will say it is legal, but one could also find even better-paid legal experts who say it is not legal. The legal experts will make fortunes in the Four Courts, while people suffer as a result of this legislation. I have a big problem with our tendency to deal with issues like this in this manner. The legal approach often over-rides what I call the human approach. I ask the Tánaiste to think about this provision over the course of the night. If this matter is contested in the courts at some future stage, I am afraid people will think the legislation was not safe.

I am not a legal person. I am sure the legal people will contradict flatly what I am saying. I am speaking as an ordinary person who was elected to this House to represent the people. I believe people who were infected in this way are entitled to the maximum support from the State. It is not fair to tell people who know they have hepatitis C that if they enter a future relationship, they will do so at their own risk. If the State takes such an approach, it will condemn such people to lonely lives. I hope this matter can be revisited in the short time available to the Dáil before it passes this legislation. If it is not possible to come up with a wording that deals specifically with the point I am making, I hope the Tánaiste will provide in this Bill for the power to make regulations so these matters can be dealt with by statutory instrument after people have had time to consider and debate them further. The Tánaiste is anxious to have the Bill enacted so

[Mr. Fleming.]

that as many people as possible who are deprived of access to the insurance market because they are infected with hepatitis C or HIV can avail of insurance products. I expect the Bill will be accepted by the House over the next day or so, before being considered by the Seanad in the coming days.

I refer to a document that I, like most Deputies, received from the Irish Haemophilia Society, the Irish Kidney Association, Positive Action and Transfusion Positive, which represent people who were infected by hepatitis C and HIV through infected blood and blood products which were administered by the State. The groups have said this Bill makes “fundamental amendments to the Hepatitis C Compensation Act 1997 which will significantly limit the categories of persons entitled to make claims for compensation and for provision under the health code”. They also point out that they were not informed of these changes until recent days. I understood this legislation was primarily intended to deal with the issue of insurance, but we seem to be back-tracking to some extent by making some fundamental changes to the eligibility criteria. I thought such issues had been dealt with in previous Acts.

This Bill proposes that people infected with hepatitis C are to be identified solely by scientific tests, whereas currently a clinical diagnosis of hepatitis C is accepted by the tribunal and the High Court and for all other purposes such as entitlement to health provision. Given the Oireachtas has been content before now to stand over a clinical diagnosis as being valid in the High Court and the tribunal, I cannot understand why we are now saying that position will no longer hold from 20 June. I do not think we should be revisiting previously accepted positions on these issues. My intervention will not necessarily change the Tánaiste’s opinion, but I ask her to reconsider her approach and to give herself some extra space by allowing for regulations to be used if these issues need to be revisited, but it is not deemed necessary to introduce further new legislation. The Tánaiste and Minister for Health and Children has proposed that in some cases, although a person who was infected through an identified infected blood product, such as anti-D, and had symptoms compatible with a hepatitis C infection, he or she will no longer be able to establish an entitlement to compensation on health provision. I hope this provision will be reconsidered. There was an entitlement for spouses and partners of hepatitis C and HIV sufferers to make claims for compensation for loss of consortium. The Bill proposes to exclude certain categories of persons from such an entitlement, for example, the spouse or partner of a young person infected at birth. That is unfair on those infected at birth through no fault of their own, or that of their mothers or the maternity hospitals.

Without going back over the Bridget McCole situation, if our society has learned anything, it is

that the legalistic approach should not dictate the normal Christian values to look after those who, through no fault of their own, have a particular problem. There will be an opportunity on Committee Stage tomorrow for the Tánaiste and Minister for Health and Children to explain this provision and give a humane response as opposed to a legalistic one. She has agreed to allow for extra tests, other than the ELISA test. This is welcome as it is inevitable that progress will be made in testing. Provision should be made to take such developments into account. The thrust of the hepatitis issue will continue for many more years.

Deputy Cowley referred to the issue of legal fees. The State has already paid out €660 million in this case. How much of that was in legal fees or was it all direct compensation to the people affected? Deputy Cowley highlighted the legal fees for special educational needs for which the State has paid €20 million. I am not sure if his figure is accurate but it certainly is more than €10 million. He argued that the State spent this money preventing people gaining access to special educational needs to which their children were entitled. I disagree with his assertion. Recently, the Oireachtas Committee on Finance and the Public Service examined this area with the Office of the Chief State Solicitor. I found it perturbing that the State’s legal bill was one sixth of the costs being submitted by the private solicitors on behalf of their clients.

The Chief State Solicitor’s office made it clear that the extent of fees being charged by private solicitors for their clients was a barrier to the conclusion of cases. There was agreement between the State and the families on the required special educational needs for the children concerned. However, some solicitors insisted on not letting their clients settle cases until they received what came to six times the fees they are entitled to. We must pay attention to solicitors overcharging and preying on those with special needs. Some seek to extract the maximum amount of money from the State with little regard to the special needs of the children concerned. The same occurred with the army deafness claims in which legal fees came to 50% of the total compensation package.

Recently at the Committee of Public Accounts it was asked if some of these schemes are less compensation for victims and more a gravy train for the legal profession. This is a matter that must be addressed by the House soon. I am glad that the Taoiseach and the Minister for Finance are conducting a detailed assessment of all legal costs being paid by the State to ensure it is being done properly.

The insurance scheme will provide certain types of insurance to claimants who fall into the following categories: hepatitis C-infected anti-D recipients, hepatitis C-infected transfusion recipients, HIV-infected recipients of relevant products, the children or spouses of eligible persons with hepatitis C or HIV who have themselves been diagnosed positive for the virus, a parent,

brother or sister of an infected person who is himself or herself diagnosed with hepatitis C or HIV infection, and certain other claimants to which the Minister extends eligibility for compensation by means of regulation made under section 9 of the 1997 Act. The regulation also specifies the category of those eligible for the insurance scheme. It includes those refused the relevant insurance on the grounds that they have been diagnosed positive with hepatitis C or HIV, those whom the administrator reasonably believes would be refused if they applied for insurance or those who have been refused unless they pay a higher premium than persons of a similar age and gender who have been not diagnosed positive with hepatitis C and HIV.

It is important to note an administrator will deal with the scheme. Approximately 1,700 people are affected and will be calling on this fund to assist them to pay for insurance cover entirely or incrementally. The legislation gives full details on the administrator and the conditions on the establishing the administrator. There is provision for the indexation of payments. Mortgage and remortgage protection and travel insurance have been included in the Bill and will be dealt with by regulation. There will be a time limit for applications, phased payments and provisions for those over 50 years of age up to 75 years of age. Other medical conditions will have to be factored in. Information must be made available — on reasonable grounds — to the administrator. The administrator will regularly report to the Oireachtas on the operation of the scheme. This is important in the interests of accountability and will allow Members to check on an intermittent basis if the scheme is working as intended.

I welcome the Bill but there are several matters that must be addressed. If they are not sorted out in the next 24 hours, I would like them to be dealt with by regulation. It is important that the 1,700 people waiting on this legislation see it passed by the Houses before the summer recess to allow them to proceed with these aspects of their lives like everyone else.

Ms O'Sullivan: I support the amendment moved by Deputy McManus. I do so because of the issues that have been raised by other speakers. Having listened to the last two Fianna Fáil Members, Deputies Callely and Fleming, it is a pity the Taoiseach has quashed the backbenchers' committee which wanted to have an input into Government policy. If the views of those two Deputies were taken into account, the Bill would not have been introduced and the Tánaiste and Minister for Health and Children would have had to examine the issues raised.

Today should be a day of celebration for those who have had to fight so hard and who have been so abused by the State through the administration of the anti-D product. As Deputy McManus said, they were poisoned by the State. It should have

been a day of success for those people because they have negotiated long and hard to have an insurance scheme implemented. The legislation should have been the culmination of their hard work. They have had to fight the State all the way for many years.

Today, they find themselves back in that position. That is not as it should be. As Deputy Fleming said, if the Tánaiste and Minister for Health and Children was in touch with the human aspect of this issue, she would not then have introduced sections 1, 2 and 6. It would then be about the result of the negotiations and consultations that went on with the four organisations concerned, the Irish Haemophilia Society, the Irish Kidney Association, Positive Action and Transfusion Positive. Unfortunately, the Government has unilaterally introduced these other aspects that are in the legislation which the four organisations did not see until it was too late and we are faced with the current problem. They did not see the Bill until 20 June this year. Despite the fine words spoken by the Tánaiste, this is not consultation, this is not what those groups thought they were getting because these elements have been introduced in spite of what they stated they wanted all along.

I received a number of phone calls on this issue, as I am sure did other Members. I quote from an e-mail I got today from a constituent:

I am one of your constituents . . . and I would like you to contest on my behalf the Bill that An Tánaiste, Mary Harney, is putting before the Dáil this 29 June 2006. The insurance scheme for hep C-HIV has answered all of our needs but she has added amendments to the Health Amendment Acts 1997 and 2002 to the Bill without giving us hep C people any notice. She is effectively offering us insurance coverage at the cost of the dilution of the Health Amendment Acts 1997 and 2002. This is a very serious concern to those of us State-infected with hep C.

That is the view of one person, and we have all spoken to representatives of the four associations.

The ELISA test was highlighted in the course of today's debate. I was in the Chair when Deputy Twomey, who is a medical doctor, made his contribution and he gave a clinical analysis of the faults in the Bill in terms of the ELISA test. In his contribution, the Minister of State, Deputy Seán Power, referred to the fact that amendments in regard to further tests will be tabled. He mentioned the RIBA test and the PCR test. He also stated that regulations would add further new tests. That is to be welcomed as progress in the sense that at least the Tánaiste understands there is a problem in this regard.

I am sure Deputy Twomey would be better able than I to respond on this issue. As I understand it, this does not address the central problem, namely, that clinical diagnosis is being rejected in the sense that, in terms of the legis-

[Ms O'Sullivan.]

lation, it will not be part of the decision-making process. That is what is wrong. I am not a doctor, but I would expect any medical judgment on an illness to include a clinical diagnosis. We have been told that these tests do not identify the presence of infection in all cases.

The four organisations issued a press statement this evening, which states: "The groups...have rejected the arguments of the Tánaiste...in the Dáil today." It also states: "The groups have pointed to passages in the Finlay report ... where it is stated that it is possible for a person to be infected with hepatitis C and subsequently lose detectable virus and indeed detectable antibodies." Deputy Twomey made this point this morning. It goes on to state: "The ELISA test is supposed to detect antibodies but as Finlay confirms it does not always do so." I understand that the other tests, as proposed in the forthcoming amendments, also do not always detect antibodies. The statement continues:

The groups have also pointed to the opinions of consultant hepatologists who have said that in patients who have been exposed to the virus there may be low levels of antibodies that do not reach the level of cut-off in the standard test. In such cases the hepatitis C compensation tribunal has been willing in the small number of cases in which it has arisen to date to accept the evidence of a consultant hepatologist of a clinical diagnosis of hepatitis C as entitling a claimant to compensation.

That is the point made by Deputy Fleming, that the compensation tribunal accepted clinical diagnosis, yet the Government will not accept it in the context of the Bill. I urge the Tánaiste to accept the evidence of highly qualified medical experts that indicates she is wrong in what she is doing in the legislation.

My colleague, Deputy Lynch, pointed out that the draft Bill referred to by the Tánaiste this morning was drafted in 1995, before further information became available in the context of the Finlay report. The Tánaiste appears to have come before the House with a legalistic opinion in regard to these three points. She has not taken on board the human element involved and the fact that we are talking about a number of people who have symptoms, who have been infected by the State and who are entitled to be included in the insurance scheme. The Tánaiste should listen to the voices on every side of the House, the organisations concerned and the individuals concerned, who are not in this small group of 100 or so people who will be covered because they have tested in accordance with the requirement, but who are concerned for the other people who will be excluded if the Tánaiste gets her way. It is essential that the Tánaiste listens to the voices that have been raised.

As has been pointed out by other speakers, only 2,000 people benefited from the money that

has already been expended. A large proportion of that money went on legal fees and the costs of running the tribunals. It is disingenuous to suggest that a great deal of money has been expended and paid out to the people concerned.

Like many Members of the House, I know people who are directly affected and I know the effect it has had on their lives. These people have to plan everything they do to have the energy to do it. These people have to make sure they get the necessary rest so they will have the energy to do something with their day. This can be as simple as baking a cake, looking after their children or picking children up from school. Their illness is a recurring factor in all aspects of their lives on a daily basis. While in some cases people may not have tested positive in the tests to which we have referred, they have been affected and they have the clinical symptoms. That is the human side of the issue. In most cases, the people directly involved cannot hold down jobs and they cannot do many of the normal things other people take for granted.

Before I come to the issue of loss of consortium, I wish to refer to an article which indicates that the HSE has cut funding for the "look-back reinsurance programme" that has been carried out by the Blood Bank, which is designed specifically to identify women at risk of hepatitis C from anti-D. Is cost-cutting at work here? Is that what this is all about? If this programme, which is specifically aimed at trying to find out if there are still women who were infected by anti-D, is affected by cost-cutting, is this legislation also about saving money? If that is the case, it is despicable because it is saving money at the expense of a vulnerable sector. I welcome the fact that the Minister of State, Deputy Brian Lenihan, is shaking his head.

Mr. B. Lenihan: The transfusion board is in surplus at present so there is no cut-back here.

Ms Lynch: It is a specific programme called Look Back. The funding has never come from the HSE. The money is simply not available.

Mr. B. Lenihan: I will deal with the matter in due course.

Ms O'Sullivan: I would welcome if someone dealt with the matter because it is strange that the specific programme investigating the infection of women with hepatitis C who were given anti-D is no longer being funded. I do not know if funding is being cut for other Blood Bank programmes. It would be interesting to know what is the position. The fact that it is this particular programme certainly looks pointed.

Many speakers referred to the issue of loss of consortium which is dealt with in section 2. I find this provision extraordinarily mean. This suggests that if a person was married or had been living with someone for a significant length of time

when they were diagnosed, they are entitled to be included. However, if a young person has not had any relationship his or her future spouse or partner is not entitled to compensation. This seems extraordinarily mean as, undoubtedly, that person's life will be affected along with the person who is infected. Why add this stipulation? Why not simply leave things as they were in the Hepatitis C Compensation Tribunal Act 1997? Why amend it so in section 1, 2 and 6? Such thinking appears to be entirely legalistic and does not take into consideration the people concerned.

I imagine the money involved is quite small and I do not think any public representative or member of the public would begrudge compensation to a person in such a situation where he or she has, as Deputy Lynch said, fallen in love and decided to have a long-term relationship knowing his or her partner is infected and that the relationship may be affected at a physical level and at other levels. The State is responsible for the condition of the person he or she has fallen in love with, it is not due to anything that person has done. The sufferer's condition is due to actions taken in the past, when, in many cases, people did not know what they were doing.

I do not understand why the Tánaiste and Minister for Health and Children has exposed her Government to the mess it is in today when she could have left the previous legislation alone. She could have introduced an insurance scheme, which would have been applauded by all and we would not be here at 7.40 p.m. arguing with the Minister of State at the Department of Health and Children Deputy Lenihan and arguing with the Government. The backbenchers would not be arguing with the Government either. It is very telling that the Fianna Fáil backbenchers who have spoken this evening have all argued for this Bill to be significantly amended, if not withdrawn. They want to see a way out for the Government as do we in the opposition. None of us want this legislation to be the last thing we do this term in the Dáil because it will not leave a good record for the Oireachtas.

I know the Tánaiste has stepped back a little, but it is not enough to address the issue at the heart of this. I urge that she step back further and acknowledge that she has been misled. No Member will hold it against her, rather we will applaud her for recognising it. I urge that she and the Government make a quick decision this evening on this issue and then give the necessary time to it and have real, required consultation with the four representative organisations. Otherwise she is, again, forcing them to fight the State when they believed the battle was over, that this legislation was the final piece of the jigsaw that would give them what they need. Their lives will never be returned to them but they could, at least, be given the financial security and insurance they expected. They could then feel that the State understands it is responsible and recognises the need for recompense in all of the aspects that

concern them. I ask the Government to rethink this issue and do the decent, humane thing. It should recognise that this small group of people will not cost the State a huge amount of money and are deserving of and entitled to our care and consideration.

Minister of State at the Department of Justice, Equality and Law Reform (Mr. B. Lenihan):

Regarding the reassurance programme mentioned by Deputy O'Sullivan, it was originally funded at a time when the Irish Blood Transfusion Service was in deficit. The board has subsequently been in surplus and has met the costs from its own resources. While in public financial terms it may appear the Health Service Executive, HSE, is no longer funding the programme it has had no effect on the provision of the programme. The reassurance programme is as it has always been and the suggestion that there has been a cutback relating to it is inaccurate.

Ms O'Sullivan: I did not suggest there had been a cutback in the programme, only in Government funding for it.

Mr. B. Lenihan: That is a play on words. The programme is being delivered.

Ms Lynch: The blood bank is making this statement, not us.

Mr. B. Lenihan: The reason the HSE is no longer providing the funds is they are provided by the blood bank from its profits. To suggest there has somehow been a cutback in the services that are rightly provided, in terms of the reassurance people need, is simply not correct. There has been no cutback in services; there is an allocation of resources from a different source.

We all acknowledge the pain and suffering inflicted on more than 1,700 of our citizens infected with hepatitis C and HIV through the administration of blood and blood products within the State. It is an emotive issue and the Tánaiste has already stated that no compensation or support scheme will ever set right the wrong done. The State stands as a legal wrongdoer. People say we should not be legalistic about issues like this. The State, as a juristic person, is the legal wrongdoer in this case and must account for its wrongdoing like any other wrongdoer.

We are, on all sides of the House seeking to do this through difficult legislation. There are three prongs to providing support to infected persons. The first, compensation, has been provided through the Hepatitis C and HIV Compensation Tribunal which was put on a statutory footing in 1997. To date around 2,200 people have received awards and, happily, we were able to facilitate the making of these claims for compensation in a non-adversarial fashion.

Ms Lynch: That is being changed.

Mr. B. Lenihan: I will deal with that in a moment. Claimants may appeal their awards to the High Court. Infected persons, their spouses, partners and next of kin have been presenting claims to the tribunal since its establishment. The total cost of the tribunal to the end of 2005 is more than €660 million which includes legal costs, fees and administration costs. The actual amount of awards is €580 million so legal costs have not been as disproportionate as costs have been in many other schemes.

Ms Lynch: Does the Minister of State mean €580 million in actual awards? That cannot be right. That is almost €3 million per claimant.

Mr. B. Lenihan: The number of claims is far more substantial. There have been around 2,200 awards and the total cost of the tribunal has been more than €660 million. The actual amount of awards is almost €580 million. That has been provided by the Exchequer.

Ms Lynch: The Exchequer that lost all the money that was never found.

Mr. B. Lenihan: The State has a proud record on this issue under this Government. The second prong in providing support to infected persons is the Health (Amendment) Act card, which entitled the holder to a range of health care services free of charge. I will not take the House through all of the details relating to the card, but health care costs under the Health (Amendment) Act are approximately €15 million per annum. The expert group on hepatitis C, chaired by the Department's chief medical officer and including leading consultants and a member of Positive Action, agreed in 1998 that eligibility for the card should be on the basis of a positive diagnostic test for hepatitis C. The Department has prepared a detailed guide to the services available through the card which includes hospital and primary care services, home support and, this year, a new home nursing scheme being piloted in the east. The representative groups are involved in shaping the development of all new services to ensure they meet their needs.

The third and vital prong is the insurance scheme that is, at long last, before us. With the enactment of this Bill, the unease the victims had about life insurance support will be addressed. I welcome broad welcome for that aspect of the legislation in the House. This will cost approximately €90 million over the lifetime of the scheme, which will run for at least 30 years. Under the proposed scheme, the State will pay the additional risk premium where the life insurer is willing to provide cover subject to an additional premium or the State will assume the risk on the life cover where the insurer is not willing to provide cover. In each case, the person requiring insurance will pay the average basic premium

which an uninfected person of the same age and gender would pay.

The scheme will be available in respect of all standard life assurance policies offered by life insurers authorised to transact life assurance business in Ireland and which opt to participate in the scheme. Life insurers which wish to participate in the scheme will enter into an agreement to abide by the rules of the scheme, which will provide for an appeal in the event of a dispute.

The scheme will be administered under the aegis of the Health Service Executive. Specific details on the administration of the scheme will be set out in regulations and an administrator will be recruited as soon as possible after enactment of the primary legislation. A travel insurance scheme will be developed within six months of the commencement of the main scheme.

The State has continued to honour its commitment to maximise the services available to persons with hepatitis C and HIV. Last week an international conference on hepatitis C was hosted by the consultative council on hepatitis C in Dublin Castle, funded by my Department. At this conference we saw how Irish clinicians are working with their international colleagues to improve knowledge about hepatitis C and to ensure the treatment provided to patients is of the highest possible standard to maximise their chances of clearing the virus and living a normal, healthy life. The news from this conference was very good and signalled that more breakthroughs in effective therapies are anticipated.

The conference had a parallel programme which allowed persons with hepatitis C to attend the scientific sessions. It also had specially designed sessions for patients. This was achieved through the excellent co-operation between the support groups, including the Irish Haemophilia Society, Transfusion Positive, Positive Action and the Irish Kidney Association, and clinicians, the HSE and my officials of the Department.

Much has been done in recent years to improve services for persons with haemophilia. The national haemophilia treatment centre at St. James's Hospital has evolved into the national centre for hereditary coagulation disorders and occupies premises at St. James's Hospital. The national centre is a state-of-the-art facility, fully equipped for the diagnosis and management of haemophilia and related disorders, staffed by a highly skilled and dedicated team of professionals and administrative staff—

Ms Lynch: Why is the Government changing the compensation scheme?

Mr. B. Lenihan: I will deal with that matter. I am entitled to speak without interruption.

Ms Lynch: We have not had an explanation.

Mr. B. Lenihan: This Government has a very good record in this area and I will deal with the issue of compensation.

The National Haemophilia Council was set up under statute in 2004. It is chaired by Professor John Bonnar and includes clinicians, nurses, representatives of the Irish Haemophilia Society and health service officials, who work together to advise the Tánaiste and Minister for Health and Children and others on all aspects of haemophilia. The council is an excellent example of co-operation between the service consumers and providers in helping to optimise the services provided.

We have also seen dramatic improvements in the Irish Blood Transfusion Service. The tragic episodes which took place in 1977 and again between 1991 and 1994 have been addressed. Every effort has been made by the State to make recompense to the victims of this terrible scandal.

As Deputies are aware, a multi-million pound investment was approved in the late 1990s to support the reorganisation and redevelopment of the Irish Blood Transfusion Service nationally. The primary objective was to ensure that the board was resourced to provide a transfusion service in line with best international standards. New testing programmes have been introduced by the IBTS in advance of most other international transfusion services. Continuous monitoring of international developments takes place, such as guarding against emerging threats, for example, variant CJD.

I will turn to the questions that have been at the heart of today's debate. I have already dealt with the matter of the reassurance programme, raised by Deputy O'Sullivan. Deputies generally, on all sides, raised two issues which were of concern to them regarding this legislation. One was the question of the introduction of a scientific test in the assessment of liability and the other was the question of consortium.

With regard to the issue of the scientific test, Deputy O'Sullivan argued that clinical diagnosis is not being taken into account. Of course, clinical diagnosis will still be taken into account——

Ms Lynch: It will not.

Mr. B. Lenihan: ——but it cannot be conclusive for evidential purposes.

Ms Lynch: The Minister of State cannot say that. It will not be taken into account.

Mr. B. Lenihan: It was suggested in the House that clinical diagnosis is not being taken into account.

Ms Lynch: It is not.

Mr. B. Lenihan: On the contrary, clinical diagnosis——

Ms O'Sullivan: The Minister of State should read the relevant section.

Mr. B. Lenihan: If I could continue, please. Clinical diagnosis will continue to be taken into account but it cannot be conclusive for evidential purposes.

Ms Lynch: It will not be taken into account.

Mr. B. Lenihan: All diagnosis is based on the concept of testing. All diagnosis involves the application of some objective test to——

Ms Lynch: It is based on symptoms.

Mr. B. Lenihan: It involves the examination of the symptoms and the application of tests on the patient showing the symptoms. In this legislation the Minister has prescribed a test, one which is internationally accepted. It is a test which has not caused dispute in other jurisdictions.

Ms Lynch: The legislation excludes clinical diagnosis.

Mr. B. Lenihan: The Minister has agreed to table further amendments to permit the application of other tests in case there would be concern——

Ms Lynch: But not to permit clinical diagnosis.

Mr. B. Lenihan: Clinical diagnosis is based on the application of a test and this is the point——

Ms Lynch: It is based on a history and symptoms.

Mr. B. Lenihan: Yes, but all clinical diagnosis has to rely on a test. It cannot be just plucked out of the air on the basis of the history——

Ms Lynch: No it does not.

Acting Chairman (Mr. O'Shea): The Minister of State without interruption, please.

Mr. B. Lenihan: ——or the symptoms of a particular patient.

Ms Lynch: The Minister of State is not telling the truth.

Mr. B. Lenihan: The Deputy is not allowed to allege that in the House. I am trying to address the legislation to the best of my ability. I do not pretend to be perfect in this matter but I do not accept that I am not telling the truth. I am trying to explain to the House——

Ms Lynch: The Minister of State has obviously not read the Bill.

Mr. B. Lenihan: ——that the application of an objective standard is necessarily an inherent

[Mr. B. Lenihan.]

element of any form of clinical diagnosis in this context and the Tánaiste and Minister for Health and Children is legislating for that. She has indicated, because of the concerns that have been raised, that she is prepared to examine the possibility of recognising, in legislative form, other tests. She will bring forward an amendment in that context. She is also prepared to say that this legislation will not be the last word on what tests can be applied because our state of scientific awareness on any particular medical condition changes and evolves over time. It may well be the case, in years hence, with advances in medical science, that other tests will be devised and she is prepared to provide for their recognition.

Ms Lynch: Why is the Government not prepared to take the word of the specialists in this area, which has been accepted up to now?

Acting Chairman: The Minister of State without interruption, please.

Mr. B. Lenihan: All the Minister is doing is providing that the specialist opinion must have——

Ms Lynch: It is retrospectively taking away rights from people. That is what the Minister is doing.

Mr. B. Lenihan: All she is doing is providing that the specialist opinion must have a foundation in a reputable scientific test. How can the Minister and the Government——

Ms O'Sullivan: Is she suggesting that the specialists are wrong?

Mr. B. Lenihan: Specialists differ. Anyone who is familiar with the operation of the courts will testify to that, as will anyone giving an account of the treatment of his or her own condition.

Ms Lynch: These are internationally recognised specialists but their opinion is no longer accepted or valid.

Mr. B. Lenihan: It is not only decent, straightforward general practitioners, like the Fine Gael spokesperson on health who differ, but also specialists of great eminence, repute and qualifications.

Ms Lynch: What if it turns out that they are right?

Mr. B. Lenihan: All the Minister is providing for here is a series of recognised scientific tests. Why this should create so much hot air on the Opposition benches eludes me.

Ms Lynch: The test is not 100% reliable and cannot be so.

Mr. B. Lenihan: The Tánaiste is prepared to incorporate into an amendment a recognition of other tests, with the possibility of scientific evolution in the recognition of tests.

Ms Lynch: Other tests with a similar failure rate.

Mr. B. Lenihan: I also wish to deal with the question of consortium. It is a highly technical issue.

Ms Lynch: No it is not.

Mr. B. Lenihan: One key point about consortium is that the victim ——

Ms Lynch: There is nothing technical about it at all. I can explain it to the Minister of State if he wishes, in very plain language.

Mr. B. Lenihan: I know exactly the society to whom it refers. We all know what consortium refers to but in its legal aspect it is somewhat technical because the claim does not belong to the victim. It is not a claim of the victim but one which has always existed for the partner or the spouse of a victim who has been deprived of that consortium.

Ms Lynch: The Tánaiste and Minister for Health and Children is now changing the rules to say that people with this particular complaint can only have one partner and if that partnership fails, tough luck.

Mr. B. Lenihan: Perhaps the Deputy might allow me to conclude on that issue. The history of this matter in common law was always that if someone was involved in an accident, *8 o'clock* the partner or spouse had a claim for the loss of consortium. However, that claim in common law never applied to someone whom the person who had suffered in the accident might subsequently marry. That is the key point. By not enacting the consortium provision, one is putting the State in a worse position than any other wrongdoer. No other wrongdoer must compensate on this basis an indeterminate class that may arise in future.

Ms Lynch: These people's cases have been compared with Army deafness claims and road traffic accidents.

Mr. B. Lenihan: I am not doing that. I have not said that.

Ms Lynch: The State infected these people.

Mr. B. Lenihan: I am not saying that.

Ms Lynch: It has a direct effect on relationships.

Mr. B. Lenihan: No one can have anything but sympathy for those suffering.

Ms Lynch: They want rather more than sympathy; they want the Government to withdraw this Bill.

Mr. B. Lenihan: As legislators, we must draw a line that reflects the traditions that always existed and applied to all other wrongdoers.

Ms Lynch: This never happened before. How can the Minister of State possibly make such comparisons?

Mr. B. Lenihan: The Deputy is not prepared to do that in the context of this legislation.

Debate adjourned.

Message from Select Committee.

An Leas-Cheann Comhairle: The Select Committee on Transport has completed its consideration of the Road Traffic Bill 2006 and has made amendments thereto.

Adjournment Debate.

Consultancy Contracts.

Mr. Glennon: I thank the Leas-Cheann Comhairle for allowing me to raise this important issue on the Adjournment and thank the Minister of State at the Department of Health and Children, Deputy Brian Lenihan, for agreeing to respond, having survived the previous few minutes.

This issue unfortunately arises from the nursing homes refund scheme. I say “unfortunately” because the scheme has had an unfortunate history. I have no wish to add to that other than to say that certain matters have been brought to my attention regarding the administration of that scheme and the award of contracts in that regard which are worthy of pursuit and investigation. We are aware that our health system is in no way perfect, since that can be true of no country. Equally, every Member is aware anecdotally of some difficulties on the procurement side, whether it be of a single can of paint by the lowest store man to the awarding of contracts. I do not want to deal with the PPARS system whose very mention sends something of a shudder down everyone’s spine.

If the problems in health service procurement were resolved, even to a significant degree, we would have done a major service to the health system and gone a long way towards resolving the problems. My interest in this issue is on behalf of an unsuccessful party to the tender process, an operator in my constituency where jobs are at issue, as well as on behalf of some very concerned

senior staff members of the Health Service Executive and the taxpayer.

We have a duty to pursue genuine issues, and in that regard, as the tendering process is now complete and the cooling-off period has expired, we should, with complete transparency, investigate the issues arising, especially those to which I referred in my request for this Adjournment debate. We must have the names of the tendering companies, their ranking by price, the HSE’s policy on outsourcing work relevant to the project, particularly to the Indian subcontinent, and the advice given to tenderers relevant to such outsourcing at inception and conclusion of the tender process. Was the lowest tender accepted, and if not, why not?

I assure the House that this is by no means a witch hunt but an entirely legitimate and justified inquiry whose purpose is to ensure that fairness and equity prevailed in the process at all times. I look forward to a comprehensive response from the Minister and firmly take the view that anything less will only give rise to further questions and serve no one, least of all the clients due to benefit from the running of the scheme.

Minister of State at the Department of Health and Children (Mr. B. Lenihan): I am replying on behalf of the Tánaiste and Minister for Health, Deputy Harney. I thank Deputy Glennon for raising the matter. The Health (Repayments Scheme) Act 2006 was signed by the President on 23 June and provides a clear legal framework for a scheme to repay recoverable health charges for publicly funded long-term care.

The Health Service Executive has responsibility for administering the repayment scheme for recoverable health charges, including the recruitment of an outside company to assist in its management. Owing to the nature, volume and complexity of the repayments involved, it was decided, in line with a Government decision, to appoint an outside company with appropriate knowledge and experience of dealing with mass repayments. A procurement team was established within the HSE and a tendering process was advertised in the *EU Journal* and the Irish national newspapers for the selection of such a company.

The HSE has advised me that the following seven companies or consortia tendered for the repayment scheme: Capita; Northgate HR Information Solutions; Fexco Outsourcings Solutions and Mentec; Elision Group; SWS Business Process Outsourcing Limited; Care Charges Refund Scheme Limited; and KPMG McCann Fitzgerald.

Following consideration of the tenders, the HSE has selected a service provider, the consortium comprising KPMG Accounting Group and McCann Fitzgerald Solicitors, to manage the repayment scheme within the agreed parameters. The cost will be based on the total number of repayments but has been capped at €15 million, excluding VAT. The HSE is satisfied that the suc-

[Mr. B. Lenihan.]

successful consortium met the necessary criteria and is confident of its ability to deliver all aspects of the scheme and that the consortium will plan, manage and execute the scheme in accordance with international best practice.

The tendering companies were not ranked by price alone, as the award criteria required the contract to be awarded to the most economically advantageous tender while also having regard to the criteria outlined in the advertisement placed in the *EU Journal*. The criteria used for the selection of the company were those outlined in the advertisement referred to above, and those related to cost, technical capacity, legal expertise and economic and financial capacity.

The HSE's policy on outsourcing is to comply with all EU procurement and trade law. The HSE has indicated that all EU guidelines and directives have been complied with in awarding the contract. It is understood from the HSE that a very small proportion, approximately 5%, of the work to be undertaken by the company will be outsourced outside the EU. That work is of a data entry nature and will not involve the operation of help lines, the provision of information or any related matters, all of which will be performed within the State. The HSE has worked directly with the Data Protection Commissioner to ensure that all necessary measures are in place to protect the confidentiality of information.

The HSE has stated that it did not offer any advice to the companies on whether to outsource elements of the repayment process. The HSE has not released the details of the cost of the other tenders as the selection process was not based on cost alone, and those costs are also commercially sensitive. The company selected to administer the repayment scheme was not the lowest tender received, but the preferred company had the highest combined score when the award criteria outlined above were considered.

The company has already commenced its preparatory work and intends to launch the scheme to the public in the middle of July. It will be initiated by a comprehensive public awareness campaign to ensure that anyone entitled can easily apply for repayment.

Pension Provisions.

Mr. Hayes: I will not need the five minutes allowed me. I thank the Leas-Cheann Comhairle for selecting this matter for discussion on the Adjournment, since it is a very important issue for me and many of my constituents.

I would like to know the reason for a 14-week delay in pensions being issued to eligible people. Letters have been coming from the Department of Social and Family Affairs. I do not criticise it, since it has been very efficient, especially at dealing with our parliamentary questions and queries, over an extended period. However, I am dis-

turbed by the letters it is sending. The letters explain that there is a temporary delay of 14 weeks in processing pension applications and ask people not to contact the office. The letters also request that people contact their local Health Service Executive office if they are short of money in the meantime. These are people who are retiring after working very hard for a long time and paying their taxes, but find that their pensions are not in place. This is a deplorable state of affairs for people who have given considerable service to the State.

Given our buoyant economy, I cannot understand why staff cannot be assigned to these offices to alleviate the problem. Retirement represents a major change in people's lives and for them to be told that they will be left without a pension for 14 weeks after a long period of working is not good enough. What is the reason for this delay, when will it be resolved and when will normal service resume? This delay affects a considerable number of people. Over a short period, six people contacted my constituency office about this matter. If this resonates in other constituency offices, it must be a very significant issue. I expect a very clear and positive answer from the Minister of State.

Mr. B. Lenihan: I am delivering this reply on behalf of the Minister for Social and Family Affairs. I must deliver a considerable amount of the reply before Deputy Hayes arrives at the reason for the delay. That said, I thank him for raising this matter on the Adjournment because I am aware of these delays.

The Department of Social and Family Affairs is committed to providing a quality service to all its customers. This includes the necessary processing of applications and ensuring that the decisions on entitlements are issued as expeditiously as possible, having regard to the eligibility conditions which apply. The challenging customer service standards are set out in the Department's statement of strategy 2005-07, backed up by its customer service charter. In the case of pension claims, customers are advised to apply for pensions at least three months before reaching pension age to ensure there is no delay in receiving their entitlements.

The Department is developing a new generation of IT systems under its service delivery modernisation, SDM, programme which will allow it to be more responsive to customer needs. The main objectives of the SDM programme are to provide customers with improved service, provide a proactive comprehensive service that takes account of related services needed by the customer, enable speedy implementation of change, ensure effective control of fraud and abuse, maximise benefits of information and communication technology, implement progressive management and work practices and develop better organisational structures and a better work

environment where staff will be supported to provide an excellent service.

SDM is a multi-year programme of change which seeks to ensure more efficiency and effectiveness through the use of modern technology and redesign of existing business processes to deliver more flexible and more personalised service delivery. Phase 1 of this programme has already been successfully implemented for child benefit.

The old age contributory and retirement pensions section was hitherto supported by the PENLIVE computer application. This system is now over 20 years old and is being replaced to enable the Department to deliver the enhanced services outlined above. At the end of May 2006, the old age contributory and retirement pension payments were moved to the new IT platform and the administrative sections were reorganised to improve service to customers and achieve the full benefits of the new technology. As could be expected in a change programme of this magnitude, there was a need for intensive training for all staff involved. To date, some 220,000 customer records have been transferred to the new system.

The activity involved in achieving the change has affected the capacity of the area concerned to process claims during the transition phase and, accordingly, a backlog of work has accrued. At present, there are some 12,000 claims awaiting decision compared to a normal level of approximately 4,000 claims on hand at any one time. The situation is being monitored closely and plans are in hand to address these cases, including the deployment of additional resources to process these claims as quickly as possible. The original receipt date will be taken as the date of claim and customers will not lose out as a result of the temporary delay currently being experienced.

Customers are being advised of the reasons for the temporary delay. In the meantime, any documentation, such as birth, marriage or death certificates, submitted in support of claims is being processed and returned as quickly as possible. The staff in the Department make every effort to process claims speedily. However, the over-riding consideration in processing claims is to ensure that customers receive their correct entitlements in a timely fashion.

Looking to the future, the new SDM programme will allow the Department to be more proactive in dealing with customers. It offers the prospect of issuing reminders to people reaching pension age to apply for their pensions in advance so as to avoid delays in payments issuing to them. In respect of the child care supplement, I believe Deputy Hayes's own party focused on the fact that I was able to advise persons of their entitlements in advance using that computer system. This facility will now be extended to pensions once this new programme is introduced.

The Deputy's party was, understandably, not aware of the fact there were substantial savings in the issuing of these reminders to individuals

because it discloses to us the non-existence of certain parties at specified addresses. That said, that matter is not on the Adjournment this evening but I could not resist mentioning it when I saw Deputy Stanton sitting opposite me.

The SDM programme will also allow for enhanced procedures for processing claims for related services, such as the free travel allowance and household benefits. This will also simplify the process for customers as it will remove the need to make separate applications for these services and will reduce processing times for claims. This introduction of this new technology will have a very positive impact but, unfortunately, it has caused a slight blip, as outlined by Deputy Hayes, which the Department is working very hard to resolve.

The Department is conscious of the impact of the delays on customers, particularly people claiming pensions, and is taking action to ensure that the difficulties currently being experienced are minimised. It is intended to make progress in addressing the situation over the coming weeks and to return to the normal standard of service to customers as soon as possible.

Prison Building Programme.

Mr. Stanton: I thank the Ceann Comhairle for giving me permission to raise this very important matter on the Adjournment on behalf of the people of Cobh and I thank the Minister of State for coming here to reply. He and I held a debate on the issue during Question Time on 23 June 2005.

We all agree that new prison is badly needed to replace Cork Prison. We know about the overcrowding, inadequate facilities and the need to improve areas of work, training, education and medical services, as well as the need to provide predominantly single-cell accommodation with in-cell sanitation. A decision was made to locate this new prison complex on Spike Island without any public debate or consultation. It appears that public consultation will take place after the decision has been made. Perhaps we should appoint a commissar to run the country and forget about debate and consultation.

Other sites could have been considered, such as the old Irish Steel plant at Haulbowline, which encompasses 50 acres. Haulbowline already possesses a bridge and a security presence and is owned by the State. The site even contains room for the Naval Service to expand its base. The town of Cobh would benefit greatly if Spike Island was developed as a heritage centre. Last night in the other House, my colleague, Senator Paul Bradford, outlined the historical richness of Spike Island. Tonight I will extol the economic potential that could be lost to Cobh if Spike Island is developed as planned.

The bridge would mean that it would be cut off from Cobh and would only be accessed from the western side of the harbour and any economic

[Mr. Stanton.]

benefit would be lost to Cobh. Cobh could do with the economic assistance that would be afforded by Spike Island. Other areas around the world that possess nothing like the history or heritage of Spike Island, such as Robben Island, Alcatraz and Port Arthur, are extremely popular tourist attractions. Many responsible and respectable people in Cobh who are very concerned about this development and have not been consulted will call on the Minister to re-examine the matter, visit the area and consult with and listen to them before he goes any further.

An alternative site for this prison exists. The people objecting to the siting of the prison on Spike Island are not taking the NIMBY approach. A site exists in the harbour with a bridge and a security presence. If a super prison is developed on Spike Island, the danger is that it will be lost forever. As Senator Bradford pointed out last night, there was a monastic settlement on Spike Island in the 6th century. During the previous debate on this matter, the Minister of State told me he had never visited the island. Perhaps he has visited it since.

The island contains an amazing star-shaped fort which, if developed and opened to the public, would be a wonderful tourist attraction that could be on a par with Alcatraz or Robben Island. I have visited the fort many times. The building is remarkable and there is a range of areas to explore.

John Mitchell and Thomas Francis Meagher spent some time there, as did convicts before they were shipped to Australia. During the War of Independence, there were a number of amazing escapes from the island. It is rich in heritage and history and it would be a shame to lose it. I call on the Government to reconsider the matter, as there is an alternative site. The people in the area want to help, but they do not want this island ruined and lost forever.

Mr. B. Lenihan: I am replying on behalf of the Minister for Justice, Equality and Law Reform.

As mentioned in Seanad Éireann yesterday, the need for a new prison to alleviate the current overcrowding at Cork Prison has been well documented, which the Deputy acknowledged in raising the matter. Recently, the Inspector of Prisons in his inspection report on Cork Prison condemned the facility and acknowledged that space at the institution is at a premium.

Having considered various options, the Minister is satisfied that the only feasible option for the replacement of the existing Cork Prison is the construction of a modern prison complex on Spike Island. Officials from the Irish Prison Service, in conjunction with the Office of Public Works and professional advisers, are developing proposals for the construction of this new complex. The facility will address the overcrowding and inadequate facilities associated with Cork Prison and will, in addition, offer significant

improvements in the areas of work, training, education and medical services as well as providing predominantly single cell accommodation with in-cell sanitation facilities.

The new prison complex on Spike Island will allow the Irish Prison Service to strengthen measures to ensure drugs are not smuggled to prisoners. For example, the new complex will locate exercise yards where drugs cannot be propelled into them and new visiting facilities will eliminate the potential for passing drugs to prisoners on visits. In addition to eliminating supply routes, the new complex will provide modern medical and other facilities to allow the prison service to meet its commitment in its recently published drugs policy and strategy to deliver a broad range of high quality interventions to support drug abusers in attempting to conquer their addictions. Modern facilities support the staff delivering these interventions by providing them with the best tools and environment in which to carry out their work.

The commissioning of the bridge will facilitate the development of new prison facilities on the island to replace the existing outdated accommodation at Cork Prison. The OPW has been instructed to prepare the relevant planning procedures, including an assessment of the environmental and related issues arising to enable the construction of a bridge to the island. The Minister has been advised by the OPW that this planning process will commence by this summer. As soon as the planning requirements are complete, it is intended to commence construction of the bridge, which will take approximately 18 months to complete.

The contract for the bridge and the prison facilities will be placed following public tender and the Minister has instructed the OPW to prepare the design and other works required prior to the issue of the tender for the construction of the bridge. Deputy Stanton is amused, but I seem to recall in my constituency—

Mr. Stanton: This is the same response given in the Seanad. The question is not being answered.

Mr. B. Lenihan: The late Deputy, Mr. Jim Mitchell, opposed the construction of a prison that he subsequently opened as the Minister for Justice.

Outline plans for the island prison facilities are being developed at present and these will be finalised later this year. The Minister is not at this stage in a position to give an estimate of the amount of land required for the prison development or the costs of the project, as this will be the subject of a public competition.

The Minister does not propose to change his plans for a new prison development including a bridge at Spike Island. He does, however, note the concerns raised regarding the history and heritage aspects which arise in the context of this development. He wishes to reassure the Deputy

that the implications, if any, on the heritage, archaeology or related aspects of the proposed developments will be addressed in detail in the course of the planning process, which will be undertaken in due course. At that stage, all the relevant material including properly balanced assessments of the various issues, including archaeology, will be made available as part of the public consultation process which it is hoped should commence later this year.

Local Government Elections.

Ms C. Murphy: I thank the Ceann Comhairle for selecting this item, as I hold the distinction of being the first person to receive a P45 as a consequence of the abolition of the dual mandate. While it might be thought I am joking, that is exactly how it happened. I was happy to receive it because it meant that I had been elected to the Dáil.

I supported the end of the dual mandate. For several years, I worked as a full-time county councillor. There was more than enough work in a rapidly developing area such as Kildare to justify that time and it would be difficult to imagine how one could have adequately done that job on top of the workload of an Oireachtas Member.

Recently, I have visited the public gallery of Kildare County Council a number of times. The issues of unfinished housing estates were being debated and I wanted to get a feel for how that matter was being treated. Having been in a council chamber before and after the abolition of the dual mandate, I do not doubt that a valuable link between local and national levels and a great deal of institutional memory have been lost because many Deputies and Senators had served for considerable durations on various councils.

As a Member of the Oireachtas, I deal with more county council related matters than I did when I was a councillor, particularly in respect of housing, planning, transportation, sanitary services and so on. Those issues are raised with me as a consequence of the mandate I received on 11 March 2005. Like all Members, I see this as part of our day-to-day work. Indeed, I have opened a constituency office to deal with it.

I will outline a number of difficulties that have presented. I will be absolutely and abundantly clear when I state that I am not being treated differently from the other seven Members from Kildare. Kildare County Council moved to new purpose-built offices last January. The offices are open plan with security doors at the entrance to every section operated by swipe cards. After a protest, councillors were provided with swipe cards, but five months after the move and numerous complaints later, provision for Oireachtas Members remains by way of the public counter. All of Kildare's Members served on its county council, we know individual officials and we can rely on goodwill to get work done. Staff who have known me for years have told me that they do

not know whether they are allowed to let me in and that the situation is ridiculous.

On one occasion I sent an e-mail of a list of planning files I wanted to check. I stated that I intended to visit to inspect the said files, but found that I needed to take a number and join the queue at the public counter. The files began to arrive approximately 25 minutes later and 35 minutes after that I was advised the offices were closing for lunch and I would need to leave. I made a complaint on 9 May and received the following reply:

I have received your e-mail re access and services at planning department. The situation you have outlined is unsatisfactory and the appropriate staff have been so advised. Arrangements are in hand to improve access for elected members visiting the planning counter and revised arrangements for telephone access. These arrangements will be advised shortly.

Nearly three months later, I have still not been advised of any new arrangements. The next time I sent an e-mail, most of the files were available at the specified time. Last week, I telephoned the council to speak to a planner and was told that I would only be dealt with between 2 p.m. and 3 p.m.

I do not want to carve out through ongoing complaints a means of interacting with the council's officials, nor do I want to rely on goodwill because I happen to know a particular official. Some reasonable working arrangements should have been put in place. When a Green Party councillor, J. J. Power, proposed that the same arrangements put in place for councillors should be extended to Oireachtas Members, he was told that he and other councillors had no function in that regard, as it was an executive function and the manager would make the decision.

The executive has locked us out and the P45 I referred to earlier has been taken literally. I am angry about this, as I am not trying to deal with matters on my own behalf. Rather, I am trying to deal with matters that affect the county's citizens who contact me. Often they contact me as a last resort, having failed to resolve the matters themselves. I visit the council's office approximately once a week, part of the reason for which is an overdependence on voicemail. Often such mail goes unanswered.

I do not know how other local authorities operate. I have discussed the Kildare situation with other Members who are astonished. Therefore, I suspect the situation is not universal. It was not the intended outcome of abolishing the dual mandate. Will the Minister examine the executive function referred to and will the Department of the Environment, Heritage and Local Government issue guidelines on Oireachtas Members? Will those Members be surveyed on their interactions with their local authorities so that a more

[Ms C. Murphy.]

appropriate arrangement is put in place between them?

Mr. B. Lenihan: I thank Deputy Catherine Murphy for raising this matter. I reply on behalf of the Minister for the Environment, Heritage and Local Government but I am conscious that the reply does not address the precise points raised by the Deputy. It is more general in scope but I assure Deputy Murphy that the complaints she makes are not unique to herself as a Member of the House. Irrespective of whether Members hold executive office, the difficulties to which she refers have been encountered with some local authorities, though others have established a high standard in the way they deal with the matter.

I am not in a position to comment further on that but the points the Deputy makes are highly relevant. I will transmit her views to the Minister for the Environment, Heritage and Local Government, Deputy Roche. A review of the matter is under way in the Department, conducted at an official level, the findings of which will be studied by him with a view to considering what improvements can be made to regulations which he introduced.

The Local Government Act 2003 provided for a single local authority mandate. Concerns were expressed at that time about the continuing role of Members of the Oireachtas in respect of the various local authority activities, with the abolition of the dual mandate. When the single mandate for local government was introduced, arrangements were put in place to provide Oireachtas Members with a right in law to access documentation and information and to communication generally with local authorities.

Regulations, which came into operation on 1 August 2003, apply to local authority dealings with Members of the Oireachtas. As part of these arrangements, local authorities are required as a matter of course to supply or make available free of charge a range of documentation to Oireachtas Members who register their interest in receiving

such information with the local authority. The range of information to be made available includes agendas, notices and minutes of local authority meetings, including committee meetings if so requested, the corporate plan, the local authority budget, draft and actual development plans, development contribution schemes, weekly lists of planning applications and decisions, draft and final by-laws and annual reports.

Most important, a local authority, in dealing with correspondence from a Member of the Oireachtas, is required to operate to equivalent systems, procedures and timeframes as apply for county, city or town councillors. Members of the Oireachtas may attend a meeting of a local authority or of its committees. In addition, managers are required to meet at least annually with local Oireachtas Members and thus provide an opportunity for an update on developments, and for any difficulties encountered to be raised and addressed. I do not have the regulations to hand but if Members are free to attend meetings by virtue of the regulations they must have access to council property and rooms, to answer one of the Deputy's specific questions.

The above is, of course, additional to normal and regular contacts between public representatives and local authority officials regarding particular problems or issues. Above all, it is an objective of local authorities to deal as expeditiously as possible with requests for access to information from Oireachtas Members. The Minister expects local authorities to facilitate parliamentary representatives, in the spirit and the letter of the regulations, in the timely provision of local authority documentation.

Officials at the Department of the Environment, Heritage and Local Government have just completed a review of the practical operation of these arrangements at local authority level. The Minister will study the findings with a view to issuing supplementary guidance to local authorities if required.

The Dáil adjourned at 8.35 p.m. until 10.30 a.m. on Friday, 30 June 2006.

Written Answers.

The following are questions tabled by Members for written response and the ministerial replies as received on the day from the Departments [unrevised].

Questions Nos. 1 to 9, inclusive, answered orally.

United Nations Reform.

10. **Mr. Penrose** asked the Minister for Foreign Affairs if he will make a statement on the position in relation to the proposed reforms of the United Nations Central Emergency Revolving Fund, aimed at providing United Nations agencies with the means to respond and anticipate crises such as food crises. [25267/06]

Minister of State at the Department of Foreign Affairs (Mr. C. Lenihan): Ireland has been strongly supportive of the reforms which have taken place in what was formerly known as the Central Emergency Revolving Fund (CERF).

The new Central Emergency Response Fund (CERF) was brought into being by a General Assembly resolution last December. Previously, the CERF was a loan-based mechanism which provided resources to UN agencies from a \$50 million reserve, only when the agency had guaranteed funding pledged by a donor.

As part of the Humanitarian Response Review commissioned by the UN and carried out last year, it was recommended that the CERF be enhanced as a grant-based mechanism providing UN agencies and eventually Non-Governmental Organisations (NGOs) with funding for both sudden-onset emergencies, as well as for so-called forgotten or neglected emergencies. It is intended that the CERF reach \$500 million in funds. To date, it has achieved funding of some \$300 million. It will be replenished at regular intervals by donors.

When it was first proposed that a standing fund be established, Ireland commissioned a review of the practicalities of reforming the CERF. This review was shared with our UN partners and other Government partners and contributed to the progress towards the reform of the CERF. The new Fund is being managed by the Emer-

gency Relief Coordinator, the UN's top humanitarian official, on behalf of the Secretary-General. In addition, an advisory group has been established to oversee its workings. The CEO of Concern, Mr. Tom Arnold, was appointed as the only NGO representative on the Advisory Group. It will provide advice to the Secretary-General on the use of the Fund.

Already this year, CERF funds have been released for the drought in the Horn of Africa and for humanitarian needs in the initial period of the violence in East Timor in recent weeks. I will continue to closely monitor the progress of this new tool to ensure that it effectively fulfils its intended role of strengthening the system of global humanitarian response.

Middle East Peace Process.

11. **Caoimhghín Ó Caoláin** asked the Minister for Foreign Affairs if he will make a statement on the recent Israeli attacks on Palestinian civilians which have been increasing in intensity; the steps he is taking to try ensure an end to these attacks. [25199/06]

34. **Mr. Ring** asked the Minister for Foreign Affairs the position of the European Union with regard to developments in the Middle East Peace Process; and if he will make a statement on the matter. [25133/06]

65. **Mr. Gilmore** asked the Minister for Foreign Affairs the progress which has been made following the conclusion of the General Affairs and External Relations Council of the European Union Meeting in Luxembourg on 3 November 2005 in relation to settlement expansion by Israel, and the Council's call on Israel to stop settlement expansion and to remove unauthorised outposts. [25254/06]

70. **Mr. Kenny** asked the Minister for Foreign Affairs if the quartet partners have held recent

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negotiations with regard to the Middle East Peace Process; and if he will make a statement on the matter. [25134/06]

80. **Mr. Costello** asked the Minister for Foreign Affairs when in recent times, as a principle of balance to its isolation of the Hamas Government in Palestine, the Irish government or the European Union has called on Israel to curtail its illegal settlement policy. [25252/06]

Minister for Foreign Affairs (Mr. D. Ahern): I propose to take Questions Nos. 11, 34, 65, 70 and 80 together.

The Government shares the widespread concern about the lack of progress in the Middle East Peace Process and the serious situation in the Occupied Territories. The immediate priority is to ensure there is no further escalation of the situation in Gaza. It is essential that all parties exercise restraint over the coming days.

The Government has been consistently active within the EU and the UN in promoting a lasting, peaceful and just settlement of the Israeli — Palestinian conflict. The events and difficulties of recent months serve to confirm that the only way forward is through negotiations between the parties leading to a viable two-State solution. Within the Union, the Government continues to pursue a policy approach aimed at ensuring that the EU remains fully engaged in the process, with a clear and balanced message for the parties. The EU is playing a vital role in the work of the Quartet to create an environment for the earliest possible return to negotiations.

The European Council on 16 June issued a Declaration on the Middle East Peace Process which set out clearly the overall policy and the specific concerns of the European Union. The EU remains firmly committed to a negotiated two-State solution. The Declaration addressed forthrightly the recent deterioration in the security situation in Gaza and the West Bank. It condemned the violence against Palestinian civilians, the firing of rockets at Israeli population centres and the continuing extra-judicial killings. I believe it is particularly important today to underline the European Council's reminder to all parties of their responsibility to protect civilian lives.

Both parties have clear obligations under the Quartet Roadmap, and under international law. The international community has stated very clearly since 30 January that the democratically-elected Government of the Palestinian Authority must commit to the peace process. Regrettably, there has been little sign so far of significant movement in this direction by Hamas. We continue to hope that, through their cooperation with President Mahmoud Abbas and engagement in a

Palestinian national dialogue, political progress will prove possible.

We remain concerned about the humanitarian situation in Gaza and the West Bank, and do not believe that the Palestinian people should suffer because of the reluctance of their Government to abide by the basic rules of the peace process. The European Council endorsed the urgent work of the Commission to establish a temporary international mechanism to channel assistance directly to the Palestinian people. Following endorsement by the Quartet on 17 June, the operation of the mechanism will commence in the coming days, based on a funding allocation of €105 million by the Commission. This will bring the total Community aid to the Palestinian people so far this year to €259 million. The European Council also called on Israel to resume the transfer of withheld Palestinian tax and customs revenues, which are essential in averting a crisis in the Palestinian territories.

The Government has continued to raise directly with the Israeli authorities our concerns about the serious humanitarian and economic impact of policies and activities in the Occupied Territories. We have also worked with our partners to ensure that the EU maintains its clear position that Israel must end all activities in the Territories which are contrary to international law and which threaten the viability of a solution based on the co-existence of two States. These include the continued expansion of settlements, the construction of the separation barrier on occupied land, activities in and around East Jerusalem and in the Jordan Valley, and the demolition of Palestinian homes. The European Council Declaration set out the EU position unambiguously, and repeated the commitment of the EU that it will not recognise any change to the pre-1967 borders which is not agreed between the parties.

It is now more urgent than ever that the conditions be established for a return to meaningful negotiations. The European Council called for an early engagement between the Israeli Prime Minister and the President of the Palestinian Authority. Their informal meeting in Jordan last weekend was a small but encouraging step. It is in the interests of the Israeli and the Palestinian people that their dialogue be developed further in the weeks to come.

EU Enlargement.

12. **Mr. Hogan** asked the Minister for Foreign Affairs if he has had discussions with his Turkish counterpart with regard to the issue of recognition of Cyprus by Turkey; and if he will make a statement on the matter. [25114/06]

159. **Mr. Durkan** asked the Minister for Foreign Affairs the extent to which the situation in Cyprus has or is being resolved in conjunction

with other possible negotiations such as enlargement; and if he will make a statement on the matter. [25473/06]

Minister for Foreign Affairs (Mr. D. Ahern): I propose to take Questions Nos. 12 and 159 together.

I last met the Turkish Foreign Minister Abdullah Gul in the margins of the UN General Assembly in New York in September 2005 and he used the opportunity to discuss the Cyprus issue. On that occasion he made it clear that while Ireland did not believe recognition of Cyprus by Turkey should be a condition for starting accession negotiations, it will, however, be an absolute requirement for eventual accession by Turkey. Minister Ahern also reiterated Ireland's strong support for the UN process for a resolution of the Cyprus problem and in particular for the UN Secretary-General's Mission of Good Office.

The United Nations has the lead role in the search for a comprehensive settlement of the Cyprus problem. The EU enlargement process provided impetus for efforts towards a settlement, which were undertaken by the UN Secretary-General in the first half of 2004, during Ireland's EU Presidency. As a result of the referendums in Cyprus on 24 April 2004, the accession to the EU of a united Cyprus on 1 May 2004 was not possible. Since 1 May 2004, the Republic of Cyprus has been a Member State of the EU and, in the absence of a comprehensive settlement, the application of the laws and regulations of the Union to the northern part of the island is suspended.

In his most recent report on the UN operation in Cyprus, Secretary-General Annan emphasised the importance for the parties to resume contacts and to begin to think about how to re-engage in the search for a settlement. The Secretary-General's Special Representative, Michael Moeller, has engaged in a process aimed at encouraging renewed contacts. In this regard, the decision by both the Greek and Turkish Cypriot leaders to meet on 3 July next to discuss the missing persons issue is to be welcomed. The Under-Secretary-General for Political Affairs, Dr. Ibrahim Gambari, will visit Cyprus, Greece and Turkey later in July to assess the political situation and the prospects for a full resumption of negotiations. On 29 July 2005, as part of the preparations for the opening of Turkey-EU accession negotiations and in accordance with the conclusions of the December 2004 European Council, Turkey signed the Ankara Agreement Protocol to take account of the accession of the new Member States, including the Republic of Cyprus. At the same time, however, Turkey also issued a Declaration stating that its signature, ratification and implementation of the Protocol

did not amount to recognition of the Republic of Cyprus.

In response to the Declaration, on 21 September 2005 the EU issued a Counter-Declaration recalling the status of the Republic of Cyprus as a Member State of the EU. The Counter-Declaration noted that recognition of all Member States, including, of course, Cyprus, is a necessary component of the accession process and underlined the importance the Union attaches to the normalisation of relations between Turkey and all Member States. The European Council, at its meeting on 16 June last, reviewed progress made in the Turkish reform process and welcomed the start of substantive accession negotiations with Turkey. The Council recalled that the pace of the negotiations will depend on Turkey's progress in preparing for accession measured against the requirements set out in the Negotiating Framework. This includes the fulfilment of Turkey's obligations under the Ankara Agreement Protocol. The European Council recalled that the Council will ensure, in the course of 2006, a follow up on the progress made on all the relevant issues included in the Counter-Declaration.

European Council Meetings.

13. **Mr. Boyle** asked the Minister for Foreign Affairs if he will report on the EU Foreign Ministers' meeting in June 2006; and if he will make a statement on the matter. [25207/06]

24. **Mr. Costello** asked the Minister for Foreign Affairs if he will report on the most recent European Union Council of Ministers meeting. [25251/06]

Minister for Foreign Affairs (Mr. D. Ahern): I propose to take Questions Nos. 13 and 24 together.

I represented Ireland at the General Affairs and External Relations Council (GAERC) on 12 June.

The Council heard a report by Commissioner Mandelson on the status of the negotiations in the World Trade Organisation. Minister Ahern intervened to underline Ireland's insistence on the need for a balanced outcome to the current round of WTO negotiations which respects the reforms to the Common Agricultural Policy agreed in 2003. The draft conclusions for the European Council, which took place in Brussels later that week, were discussed in some detail. As Deputies will be aware from last Wednesday's statements in the House, the European Council focused largely on the Constitution and the Future of Europe. At the GAERC, Ireland broadly welcomed the Presidency's approach in its preparations for the European Council.

Ministers also agreed the EU Common Position for the Science & Research chapter of the

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accession negotiations with Turkey. This allowed this particular chapter to be provisionally concluded, which represents a worthwhile step forward in the negotiations with Turkey.

The Council held discussions on the Western Balkans, and approved conclusions which emphasised the importance of improved cooperation by Serbia with the International Criminal Tribunal for the former Yugoslavia (ICTY), and welcomed the signature of the Stabilisation and Association Agreement with Albania. The Council had a separate discussion on Montenegro, and agreed that the EU and its Member States would develop their relations with the Republic of Montenegro as a sovereign, independent State, following the outcome of the recent independence referendum and the subsequent acts by the Montenegrin Parliament.

Ministers were briefed on preparations for the EU-US summit, which subsequently took place in Vienna on 21 June. The Council approved an extension of the common position on Cuba and underlined that constructive engagement and a critical and comprehensive dialogue remained the basis for the EU's policy. Ministers deplored the further deterioration of the human rights situation in Cuba since the last evaluation in June 2005, and again urged the Cuban government to unconditionally release all political prisoners. It was also agreed that work should begin at EU level on a mid-and long-term strategy on Cuba.

Over lunch, the Council discussed Iran, the Middle East Peace Process, and Iraq. Ministers were briefed by High Representative Javier Solana on his visit to Tehran on 6 June when he presented to the Iranian authorities a new proposal for resolving the Iranian nuclear issue through a long-term agreement based on mutual respect and the establishment of international confidence in the exclusively peaceful nature of Iran's programme. Ministers discussed the Middle East peace process on the basis of a presentation by High Representative Solana following his recent visit to the region. Commissioner Ferrero-Waldner informed Ministers on the state of preparations on the establishment of a temporary international mechanism designed to ensure direct delivery and supervision of assistance to the Palestinian people. Ministers discussed the situation in Iraq following the formation of the new national unity government on 20 May, as well as measures to enhance EU-Iraq relations based on Iraqi priorities in the new government's programme. They had an exchange of views in this respect with the foreign minister of the new Iraqi government, Hoshyar Zebari. Finally, under Any Other Business, there was a brief exchange on the current situation in Burma, and in Timor Leste.

Nuclear Disarmament Initiative.

14. **Mr. Deenihan** asked the Minister for Foreign Affairs the steps being taken to promote the updating of the Nuclear Non-proliferation Treaty at international level; and if he will make a statement on the matter. [25155/06]

15. **Mr. McCormack** asked the Minister for Foreign Affairs if he has held recent discussions with his European counterparts with regard to reform of the Nuclear Non-proliferation Treaty; and if he will make a statement on the matter. [25154/06]

Minister for Foreign Affairs (Mr. D. Ahern): I propose to take Questions Nos. 14 and 15 together.

Ireland has a particularly close association with the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), which came into being following an initiative taken by the late Frank Aiken. His pioneering efforts were recognised when Ireland was invited, following the Treaty's negotiation, to be its first signatory in 1968. As the Minister for Foreign Affairs has made clear on a number of previous occasions in this House, support for efforts to strengthen the Nuclear Non-Proliferation Treaty remains our highest priority in the area of disarmament and non-proliferation.

At the last NPT Review Conference in May 2005, there were a number of specific proposals on actions that States Parties might take to meet the challenges confronting the Treaty. Regrettably, the Conference ended without agreement on substantive conclusions and recommendations on how to strengthen the non-proliferation regime.

The next scheduled Review Conference of the NPT will not take place until 2010. It will be preceded by a series of preparatory committee meetings beginning in 2007. The EU has not yet begun its internal deliberations for these meetings but these will be on the basis of the Common Position agreed in April 2005, which remains valid. In the meantime, Ireland is working with like minded countries and with civil society to identify areas where implementation of the Treaty can be strengthened.

On 23-24 May last, for example, together with two of our partners from the New Agenda Coalition, Sweden and New Zealand, Ireland co-funded a seminar on NPT issues organised by the United Nations Institute for Disarmament research (UNIDIR). The Seminar, entitled "Unfinished Business: Building on the NPT 2005 Review Conference" took place in Geneva and brought together relevant Government experts and representatives of civil society to look again at a number of key issues which had been raised at last year's review Conference but on which debate had been curtailed by time constraints.

We are also participating in the Article VI Forum, which is focused on discussion of the nuclear disarmament obligations set out in Article VI of the Treaty and which is being organised by an umbrella group of NGOs, the Middle Powers Initiative. The next meeting of the Forum will be held in Canada at the end of September and will aim at identifying concrete proposals to assist the process of nuclear disarmament. The Chair of the international Commission on Weapons of Mass Destruction, Hans Blix, who has recently released a highly significant and relevant report, is to address the Forum on his findings during the September meeting.

Nuclear Programmes.

16. **Mr. Connaughton** asked the Minister for Foreign Affairs the position with regard to the EU3 negotiations on behalf of the Union with Iran regarding nuclear development; and if he will make a statement on the matter. [25153/06]

89. **Mr. Quinn** asked the Minister for Foreign Affairs the Government's position in relation to the confrontation between western Governments and Iran in relation to nuclear capacity. [25257/06]

Minister for Foreign Affairs (Mr. D. Ahern): I propose to take Questions Nos. 16 and 89 together.

The question of Iran's nuclear programme is kept under constant review within the European Union at official level and is also the subject of regular discussions at Ministerial level, most recently at the General Affairs and External Relations Council meeting of 12-13 June, which Minister Ahern attended. At this meeting Ministers discussed latest developments including the package of incentives that was presented to Iran by High Representative Solana on 6 June.

The package contains a number of significant elements in the areas of nuclear, economic and political cooperation. In the nuclear field, it reaffirms Iran's right to nuclear energy for peaceful purposes and proposes cooperation with Iran to build a modern proliferation-proof nuclear power programme; legally binding guarantees of fuel supply are also proposed. On the economic and political fronts, a number of benefits are proposed, such as dialogue on regional security issues, as well as a strategic energy partnership with the EU.

Some initial Iranian comments have suggested that there may be some elements of the package on which Iran might seek clarification. Last week, High Representative Solana announced that he had spoken with Ali Larijani, Secretary of the Supreme National Security Council of Iran, and would be meeting with him in the coming days to explain the package of incentives further. It is

important, however, that Iran engage genuinely and substantively as quickly as possible.

The question of Iran's nuclear programme is an issue of concern to the whole international community and not just western Governments. This is clear, inter alia, from the many IAEA Board of Governors resolutions in recent years. Moreover, before the package of incentives was presented to Iran by High Representative Solana, the Foreign Ministers of the EU3 met with their counterparts from the United States, Russia and China. At this meeting the incentives package was endorsed by all of the countries present. Both Russia and the US have also confirmed that they are prepared to enter into negotiations with Iran provided that all enrichment and reprocessing activities are suspended beforehand.

The Government's position on the Iranian nuclear programme is a matter of public record. Ireland remains strongly committed to a diplomatic solution to this issue. Minister Ahern has made clear on several occasions Ireland's full support for the EU3 efforts in this respect. It is now essential for Iran to constructively examine the proposals that have been received. Immediate suspension of enrichment activities will allow for early and substantive discussion on the package and provide an opportunity for any clarification needed of its details. I would urge Iran to respond quickly and take the steps necessary to enable progress towards a diplomatic solution.

Foreign Conflicts.

17. **Mr. Noonan** asked the Minister for Foreign Affairs the political and security situation in East Timor; and if he will make a statement on the matter. [25129/06]

68. **Mr. O'Shea** asked the Minister for Foreign Affairs if he will make a statement on the position in East Timor; and if he will make a statement on the matter. [25249/06]

164. **Mr. Durkan** asked the Minister for Foreign Affairs the situation in East Timor; and if he will make a statement on the matter. [25478/06]

Minister for Foreign Affairs (Mr. D. Ahern): I propose to take Questions Nos. 17, 68 and 164 together.

The crisis in Timor-Leste erupted in late April with the dismissal of some 600 soldiers, a third of the armed forces. Ensuing violence cost at least 37 lives and drove some 10-15% of people from their homes into makeshift camps. The security situation in Timor-Leste has been brought under control but the country remains tense. There are continuing sporadic disturbances, now mainly involving disaffected youth. The two Irish staff members in the Irish Representation Office in

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Dili, who had been temporarily withdrawn to Darwin, have now returned to their posts in Dili.

The political front remains tense and unpredictable. Prime Minister Alkatiri resigned on Monday last, 26 June, after several days of political demonstrations. President Gusmão, who had assumed increasing day-to-day responsibility, had requested the resignation. A meeting of the State Council, a Presidential advisory committee, took place on 27 June to discuss the next steps. The President extended the period of the state of crisis and his responsibility for defence and security matters. He also announced that he would take immediate steps towards forming a new government but did not rule out dissolving parliament and holding elections if this was not possible.

The impact of the recent disturbances on the people of Timor-Leste is a matter of deep concern to the Government. The Timor-Leste Government and the United Nations (UN) have indicated that the priority needs are for food, emergency shelter, water and sanitation facilities, health services and protection of vulnerable groups, particularly, the elderly, women and children. In response to the urgent need for assistance, the Minister of State for Development Cooperation and Human Rights, Mr Conor Lenihan T.D., announced on 23 June emergency funding of €500,000 for humanitarian relief in Timor-Leste. This funding is in addition to our longer term commitment to provide assistance through Irish Aid's development aid programme. It will enable our partner organisations in the UN, the Red Cross and Non Governmental Organisations (NGOs) to implement the emergency response on the ground, and assist the displaced populations with food, emergency shelter and basic needs.

A declaration, adopted at the European Council on 16 June, expressed the EU's deep concern over the situation in Timor-Leste, urged all parties to refrain from any further violence and called for the re-establishment of political dialogue, security and public order conducive to a return to normalcy in the country. The declaration also stated the EU's belief that the UN continues to have a leading role to play and that the agreement of a mandate for a new and robust UN Mission, responding to the expectations of the Timorese on the facilitation of political dialogue and reconciliation as well as on the restoration and maintenance of security, would be of major importance in ensuring that the 2007 elections will be peaceful, free and fair.

The UN Security Council (SECCO) held an open meeting on 13 June at which it heard from the UN Secretary-General's Special Envoy, Ian Martin, who ended a 9 day visit to Timor-Leste on 7 June and also from Timor-Leste's Foreign Minister Ramos Horta. SECCO has agreed a

short extension of the current residual UN Mission's — UNOTIL — mandate, which had been due to expire on 20 June, to allow time for the SG to prepare a report, in early August, on options for a future UN role. Ian Martin returned to Timor-Leste on 26 June to lead an assessment mission to plan the next stage of UN assistance to Timor-Leste and also to assist in the resolution of the present crisis. In line with our long-standing commitment to Timor-Leste, Ireland fully supports a continued UN role, in the light, of course, of the UN's own assessment.

Ireland's involvement in Timor-Leste began in the period leading to independence. Humanitarian and reconstruction assistance was provided in the aftermath of Indonesian withdrawal in 1999. In March 2003, Timor-Leste was designated as Ireland's first programme country in Asia and a long-term development strategy was put in place, with a focus on nation-building and poverty reduction and on supporting the implementation of Timor-Leste's National Development Plan.

Ireland is committed to supporting the Government and people of Timor-Leste in achieving their long-term development goals. A new Irish Aid development strategy was recently approved for the period 2006-2008 with a budget of over €19 million. It continues the emphasis on support for capacity building, for local development, and for the promotion of human rights and gender equality.

Overseas Development Aid.

18. **Mr. P. Breen** asked the Minister for Foreign Affairs the number of projects currently funded by Irish Aid in Africa specifically directed towards combating HIV and AIDS; and if he will make a statement on the matter. [25116/06]

Minister of State at the Department of Foreign Affairs (Mr. C. Lenihan): HIV/AIDS presents an enormous challenge to developing countries, especially in Africa. Sub-Saharan Africa is by far the worst-affected region in the world. AIDS is now the leading cause of death in this region. Over 3 million new infections occurred there in 2005, while the disease claimed the lives of over 2 million adults and children in the same year. Women and girls make up almost 57% of those living with HIV in sub-Saharan Africa and 11 million children in this region have lost one or both parents to AIDS.

We are totally committed to fighting HIV/AIDS and see our efforts as fundamental to poverty and vulnerability reduction. Between 2001 and the end of this year, we will have expended over €250 million on HIV/AIDS related programmes. Most of these resources are directed at the most affected countries, primarily in sub-Saharan Africa.

Ireland has Embassies and significant aid programmes in Ethiopia, Lesotho, Mozambique, South Africa, Tanzania, Uganda and Zambia. All these countries are hugely affected by HIV/AIDS and are struggling to control the spread and impact of the pandemic on their socio-economic bases.

Engagement and funding at country level supports a range of projects and programmes implemented by Governments and civil society organisations. These projects and programmes cover interventions that strengthen local institutional capacity to deal with HIV/AIDS; support the planning and delivery of essential HIV prevention, treatment and care services; provide basic needs for children orphaned by AIDS; support organisations and networks of people living with HIV; upgrade health care facilities and train health workers in HIV drug administration and management.

In Mozambique, we are working closely with the Government and the Clinton Foundation in the provision of HIV treatment services. Ireland has contributed to Mozambique's achievement in reaching and in some cases exceeding its HIV related service targets. In Lesotho, we also hope to build a partnership with the Government and the Clinton Foundation to address the HIV/AIDS crisis in that country.

As well as working directly at country level, Ireland also supports international efforts to address HIV/AIDS and its impact. The Global Fund to Fight AIDS, TB and Malaria is one such example. By the end of 2006, Ireland will have contributed €60 million to this Fund.

Irish Aid recently produced a report on its response and commitment to HIV/AIDS over the period 2001-2006. The Taoiseach presented this report to the United Nations Secretary General, Kofi Annan, when he met him during the High Level Review on HIV/AIDS held in New York at the end of May. In his address to the UN High Level Review, the Taoiseach pledged that we will spend €100 million per annum on addressing HIV/AIDS and other diseases of poverty.

We will continue to work with Government and civil society partners to ensure a coordinated, accelerated and more focused response to HIV/AIDS which prioritises prevention, particularly among young men and women.

19. **Mr. Crawford** asked the Minister for Foreign Affairs the level of aid being directed to the Middle East by the Government in 2006; and if he will make a statement on the matter. [25115/06]

60. **Mr. J. O'Keefe** asked the Minister for Foreign Affairs the level of humanitarian aid allocated to the Palestinian Authority in 2005; the level of aid allocated in 2006; and if he will make a statement on the matter. [25120/06]

Minister of State at the Department of Foreign Affairs (Mr. C. Lenihan): I propose to take Questions Nos. 19 and 60 together.

Ireland has strongly supported the provision of humanitarian and development assistance to the Palestinian people. The core objective of Ireland's assistance in Palestine has been to alleviate the material consequences of the ongoing conflict by enhancing the capacity of Ireland's partners in Palestine to respond to the crisis and to begin, where possible, to meet the future development needs of the Palestinian people.

In 2005, Ireland delivered in excess of €4 million in humanitarian and development assistance to Palestine. Humanitarian assistance has been channelled through the United Nations Relief and Works Agency (UNRWA), which remains our key partner in the provision of basic services to the Palestinian people. In response to UNRWA's appeal for funding, Ireland provided early funding of €1.5 million to UNRWA in 2006. This was un-earmarked core funding which allows UNRWA to respond flexibly to the emerging challenges. Ireland will continue to respond to changing humanitarian needs in Palestine.

Our development funding has been focused on support for basic education, strengthening local government through local rural development programmes, and support for key United Nations' agencies.

We also provide significant support for civil society organisations in Palestine which work to promote human rights and democratisation and to facilitate community rehabilitation.

The Government is extremely conscious of the need to continue assistance to Palestine in the current difficult political climate. Ireland's programme of assistance in 2006 will include continued support for partner UN Agencies, NGOs and Bethlehem University. We have made clear that we are determined to maintain the overall volume of our assistance to Palestine.

We do not believe that the Palestinian people should face the risk of a humanitarian crisis because of the reluctance of their new Government to respect the peace process. However, there is agreement among all the Member States that the EU cannot maintain its capacity-building support for the Hamas Government under the Oslo process, given that the Government has not committed to the conditions set out by the Quartet and the EU.

This month, the European Council agreed that, as a matter of priority, a Temporary International Mechanism (TIM) should be established to provide for basic needs, including health services. Ireland has been to the fore in the EU in arguing for the widest possible definition of the basic needs to be covered.

I can assure the Deputy that Ireland will, both nationally and in the multilateral framework, do

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all that is within our capacity to alleviate the suffering of the Palestinian people and to pursue our development interventions to the extent possible, while being cognisant of the wider political realities.

The Government is also committed to the provision of humanitarian assistance to the Iraqi people. Since 2003, Ireland has delivered over €7 million to meet the immediate emergency humanitarian needs of some of the most vulnerable groups in that country. Funding has been delivered through key non-governmental partners such as Concern, Goal and Trócaire and through UN and international agencies such as the World Food Programme, the United Nations Children's Fund (UNICEF), the United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA) and the Red Cross family. This year I have allocated €0.5 million to the Mines Advisory Group, a partner organisation to Trócaire, for mines clearance activities in northern Iraq. Funding will also be provided this year to support the provision of health services to the Marsh Arab population in Southern Iraq.

Passport Requirements.

20. **Mr. Ferris** asked the Minister for Foreign Affairs his views on the obligation placed on some Irish sports people to carry other than an Irish passport. [21215/06]

81. **Mr. Sargent** asked the Minister for Foreign Affairs the contacts he had with FIFA regarding their initial ruling that all Northern Ireland players travel on British passports; and if he will make a statement on the matter. [25215/06]

Minister for Foreign Affairs (Mr. D. Ahern): I propose to take Questions Nos. 20 and 81 together.

I was approached by sporting figures in Northern Ireland who were concerned that the requirements for Northern Ireland players were to change under FIFA regulations. The reported change would have had the effect of obliging all players who want to represent Northern Ireland to carry a British passport. This change, if brought into effect, would directly contravene both the spirit and the letter of the Good Friday Agreement and was, therefore, unacceptable.

On learning of the possibility of a change in FIFA's eligibility criteria, I immediately wrote to the President of UEFA to seek clarification of the issue. I also instructed the Irish Ambassador to Switzerland to make contact with both UEFA and FIFA to ensure that they understood the importance of finding a solution that respected the sensitivities of both the main traditions in Northern Ireland. In light of our serious concern, the Irish Embassy to Switzerland remained in intensive contact with FIFA, which culminated in

a meeting, on 29 May, between the Ambassador and the Director of FIFA's legal division. In addition to contact at official level, I discussed our concerns with Secretary of State Hain at the British-Irish Council of 2 June. We agreed to adopt a joint position on this issue.

Subsequent to this, on 19 June, the Irish Football Association issued a statement on this subject. It said that while "the administrative detail of this is being finalised" a "solution has been reached which will allow players holding an Irish Passport to continue to represent Northern Ireland."

I am satisfied that a solution has been reached that respects the terms and the spirit of the Good Friday Agreement, and will allow Irish Passport holders to continue to play for Northern Ireland.

Decentralisation Programme.

21. **Mr. Neville** asked the Minister for Foreign Affairs the number of principal development specialists, currently working with Irish Aid, volunteering to decentralise; and if he will make a statement on the matter. [25159/06]

72. **Mr. O'Dowd** asked the Minister for Foreign Affairs the number of development specialists, currently working with Irish Aid, volunteering to decentralise; and if he will make a statement on the matter. [25161/06]

119. **Mr. Naughten** asked the Minister for Foreign Affairs the number of senior development specialist, currently working with Irish Aid, volunteering to decentralise; and if he will make a statement on the matter. [25160/06]

Minister of State at the Department of Foreign Affairs (Mr. C. Lenihan): I propose to take Questions Nos. 21, 72 and 119 together.

There are 3 categories of Specialists employed by Irish Aid: Principal Development Specialists, Senior Development Specialists, and Development Specialists.

Three Principal Development Specialists serve in Irish Aid headquarters in Dublin. None of the three has applied to decentralise to Limerick.

There are twelve Senior Development Specialists in Irish Aid headquarters. None of the twelve has applied to decentralise to Limerick. Two Senior Development Specialists originally applied to decentralise to Limerick, but subsequently withdrew their applications.

Finally, there are nine Development Specialist posts in headquarters. Five Development Specialists are scheduled to decentralise. Of these, four commenced employment since the announcement of the decentralisation programme in December 2003, and one applied via the Central Applications Facility.

Discussions are on-going with representatives of the Specialists, with their union IMPACT, and

with the Department of Finance about the issues involved in decentralisation which also, of course, have a wider Civil Service dimension. It would be my hope that a greater number of Specialists will, in time, volunteer to decentralise to Limerick.

Human Rights Issues.

22. **Ms O'Sullivan** asked the Minister for Foreign Affairs the recent efforts he has made to request the release and restoration to liberty of Aung San Suu Kyi and other political prisoners, the return to democracy in Burma and an end to human rights violations in that country. [25260/06]

56. **Mr. Stanton** asked the Minister for Foreign Affairs the latest contacts that he has had with his European counterparts with regard to Burma and the continued holding of the most visible pro-democracy leader in that country; and if he will make a statement on the matter. [25146/06]

86. **Mr. Allen** asked the Minister for Foreign Affairs if there are proposals under consideration within his Department with regard to the extension of diplomatic relations to Burma; and if he will make a statement on the matter. [25147/06]

92. **Mr. G. Murphy** asked the Minister for Foreign Affairs the position with regard to the diplomatic links between Ireland and Burma; and if he will make a statement on the matter. [25148/06]

Minister for Foreign Affairs (Mr. D. Ahern): I propose to take Questions Nos. 22, 56, 86 and 92 together.

Ireland takes a consistently strong position on Burma, including in the European Union framework and at the United Nations. Together with our EU partners, we avail of all opportunities to call for the immediate release of Aung San Suu Kyi, to condemn the abuse of human rights and fundamental freedoms and deplore the lack of progress towards democracy in Burma.

The recent visit by UN Under-Secretary-General (UN USG) Gambari to Burma from 18-20 May was the first high-level visit to that country by a UN representative in more than two years. I welcome the fact that he was able to meet with the most senior Burmese leaders as well as with Aung San Suu Kyi and representatives of her party, the National League for Democracy, during the visit. I also welcome the agreement by the Burmese government that the UN should play a role in promoting common ground between the government and the National League for Democracy so that the National Convention, which is due to resume its work in October, can proceed in a more inclusive way. I would appeal to the Burmese authorities to live up to their undertakings in this regard.

While welcoming the above developments, I remain very concerned about the situation. On 26 May, the EU issued a statement which noted with deep concern that the process of democratisation in Burma had recently suffered a worrying setback as the Burmese government stepped up its pressure against ethnic groups and the two main political parties. The statement noted that these actions contradict the professed intention to establish a genuine democratic nation. The statement also urged the Burmese government to accelerate the democratisation process, a process which should engage all political and ethnic forces in the country in a genuine dialogue and lead to the speedy completion of a constitution under civilian rule, which commands popular support and promotes peaceful and sustainable development.

I remain deeply concerned that Aung San Suu Kyi has been detained continuously for three years without charge and, once more, urge the Burmese government to restore fully her freedom and civil liberties. UN USG Gambari's visit generated high hopes that her detention under house arrest, which was up for renewal a few days after he left Burma, might not be renewed by the authorities. This did not happen. On 27 May, the EU issued a further statement which deeply regretted the decision of the Burmese government to extend the house arrest of Aung San Suu Kyi and deplored the fact that international appeals, including that of the EU, had once again gone unheard.

The situation in Burma was most recently discussed at the EU General Affairs and External Council Meeting in Luxembourg on 12 June. On that occasion the Netherlands called for EU support for a possible initiative at the UN Security Council. While I am not aware of any plans for this to happen in the near future it is something I would very much welcome. The EU applies a range of sanctions and restrictive measures against Burma, referred to as the EU Common Position, which had been due to expire on 30 April but which has been renewed for a further year. In the absence of any significant progress in Burma, Ireland strongly supported the renewal.

The Government made an announcement about the establishment of diplomatic relations on a non-resident basis with Burma on 13 February 2004. However, given that the political and human rights progress which had been expected of the Burmese Authorities at that time, most notably the meeting of an open and unhindered National Convention and the release of Aung San Suu Kyi, was not delivered on, the Government decided to put the process in cold storage. Any decision to reactivate the process will have to await positive and significant moves on the above lines by the Burmese Government.

I will continue to raise concerns about Burma on all possible occasions and to call on the Bur-

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these government to assume its responsibilities towards its people and to allow the fullest possible UN involvement in a genuine process of democratisation and reconciliation.

Democratisation Initiatives.

23. **Mr. Quinn** asked the Minister for Foreign Affairs if he will report on such progress as has been made by the Mozambique President Chissano in his task as mediator at the initiative of the African Union in encouraging political dialogue in Zimbabwe. [25258/06]

Minister for Foreign Affairs (Mr. D. Ahern):

In the aftermath of Operation Murambatsvina launched by the Zimbabwean government in May 2005 and which resulted in an estimated 700,000 people being left homeless or without a livelihood, the former President of Mozambique, Mr. Joaquim Chissano, was requested by the African Union (AU) to act as a Special Envoy and mediate with both the Zimbabwean government and the opposition parties in Zimbabwe in an effort to promote political dialogue. However, the Zimbabwean government has refused to cooperate with this initiative or to engage with former President Chissano in his mediator role. The Zimbabwean government also refused to facilitate the visit in June 2005 of an earlier envoy appointed by the African Union, Mr. Tom Nyan-duga, specifically to report on the consequences of Operation Murambatsvina.

I regret the unwillingness to date of the Zimbabwean government to cooperate with AU efforts to promote internal dialogue and mediate in the current difficult situation in Zimbabwe. I would encourage the AU and its member States to continue to use what influence they have to urge the Zimbabwean government to alter its current failed policies and move to a path of internal dialogue and peaceful, democratic change in Zimbabwe. The Government along with our EU partners will continue to work with all those in the international community seeking to promote democratic change in Zimbabwe. Senior officials from my Department availed of recent political consultations with South Africa in Pretoria on 22-23 June to outline the serious concerns which we have regarding Zimbabwe.

I also welcome the increased engagement by the UN Security Council and the efforts of Secretary General Annan and his Humanitarian Coordinator, Jan Egeland, to highlight the serious humanitarian situation in Zimbabwe. I understand that Secretary General Annan may meet with President Mugabe and President Mbeki of South Africa en marge of the forthcoming AU Summit in Banjul, The Gambia on 1-2 July. The AU Summit itself will provide a further valuable opportunity for African leaders to address, and encourage efforts to improve, the

serious political, economic and humanitarian situation in Zimbabwe.

Question No. 24 answered with Question No. 13.

EU Enlargement.

25. **Mr. G. Mitchell** asked the Minister for Foreign Affairs the status of EU accession talks with Turkey; and if he will make a statement on the matter. [25171/06]

37. **Mr. Crowe** asked the Minister for Foreign Affairs the status of Turkey's bid for EU membership in view of the ongoing failure of Turkey to recognise the economic, maritime and navigational rights of fellow EU Member State Cyprus, and all other Member States trading or communicating with Cyprus; and if he will make a statement on the matter. [25204/06]

88. **Aengus Ó Snodaigh** asked the Minister for Foreign Affairs his views on the ongoing failure of Turkey to recognise the economic, maritime and navigational rights of fellow EU Member State Cyprus and of all other Member States trading or communicating with Cyprus; and the steps he has taken to help reverse the situation. [25197/06]

158. **Mr. Durkan** asked the Minister for Foreign Affairs the position in regard to EU enlargement negotiations; and if he will make a statement on the matter. [25472/06]

Minister for Foreign Affairs (Mr. D. Ahern): I propose to take Questions Nos. 25, 37, 88 and 158 together.

Accession negotiations are underway with two countries — Turkey and Croatia. Negotiations were opened with both countries on 3 October 2005 and an extensive screening process is currently ongoing, which scrutinises the compatibility of Croatian and Turkish legislation with that of the EU. The fact that this screening process is running in parallel with both countries does not mean that the pace of their progress towards membership is linked. Each country will be judged on its own merits.

After a negotiating chapter has been screened the EU can decide, on the basis of a proposal from the Commission, whether the negotiations in that sector can be opened. The June 2006 European Council reviewed progress made to date and welcomed the opening — and provisional closure — of substantive negotiations with both countries on the “Science & Research” chapter. In all, there are 35 chapters that form part of these negotiations.

The European Council reaffirmed the EU's commitment to supporting both countries' efforts to comply with the Union's membership criteria.

It encouraged Croatia to continue its reform efforts and to achieve sustainable progress towards the fulfilment of EU standards. It called on Turkey to intensify its reform process, implementing it fully and effectively so as to ensure its irreversibility and sustainability.

The Council recalled the need for Turkey to fulfil its obligations under the Association Agreement and its Additional Protocol, which takes account of the accession of the new Member States, including the Republic of Cyprus. Turkey's progress in fulfilling these obligations, which include the need to recognise the economic, maritime and navigational rights of all EU Member States, as well as its implementation of the revised Accession Partnership, will be evaluated later this year.

The European Council also addressed a number of general questions on enlargement. It reaffirmed that it would honour existing enlargement commitments, while protecting the cohesion and the effectiveness of the Union. The Union's capacity to absorb new members is seen as an important consideration in future enlargement decisions. If EU membership is to be further extended, the Union will need to ensure that it has the economic, political and institutional capacity to make this possible. It is already understood that, as Turkey's accession could have substantial financial consequences, its negotiations can only be concluded after the establishment of the Union's financial framework for the period beyond 2013.

Heads of State and Government undertook to hold a further debate at the December 2006 European Council on all aspects of further enlargement, including the Union's capacity to absorb new members and improving the quality of the enlargement process. The Commission is to prepare a special report on the Union's absorption capacity. This report will also deal with the perception of enlargement by European citizens and the need to explain the enlargement process adequately to the public within the Union.

Ireland has always been supportive of the process of EU enlargement from which we have consistently benefited. It has been our policy to consider each candidate on the basis of its own merits and this principle will continue to underpin our approach to the negotiations with both Croatia and Turkey.

26. **Mr. Deenihan** asked the Minister for Foreign Affairs if Bulgaria has dealt with issues relating to judicial reform in order to meet the criteria for accession to the European Union; and if he will make a statement on the matter. [25126/06]

41. **Mr. McGinley** asked the Minister for Foreign Affairs if the accession of Bulgaria to the

European Union will take place on 1 January 2007; and if he will make a statement on the matter. [25150/06]

83. **Ms O. Mitchell** asked the Minister for Foreign Affairs the outstanding issues to be dealt with by Bulgaria before that State may become a member of the European Union; and if he will make a statement on the matter. [25152/06]

97. **Mr. Bruton** asked the Minister for Foreign Affairs the outstanding issues to be dealt with by Romania before that State may become a member of the European Union; and if he will make a statement on the matter. [25151/06]

101. **Mr. J. O'Keeffe** asked the Minister for Foreign Affairs if the accession of Romania to the European Union will take place on 1 January 2007; and if he will make a statement on the matter. [25149/06]

Minister for Foreign Affairs (Mr. D. Ahern): I propose to take Questions Nos. 26, 41, 83, 97 and 101 together.

The forthcoming accession of Bulgaria and Romania will mark the completion of the Union's 5th enlargement — increasing its membership from 15 to 27 Member States.

The June European Council confirmed that it is the Union's common objective to welcome both countries as members on 1 January 2007. The EU could, however, postpone the accession of either or both countries for up to one year if the Commission considers that either country would be unprepared to meet the requirements of membership in 2007.

On 16 May 2006, Enlargement Commissioner Olli Rehn presented the Commission's Comprehensive Monitoring Reports on Bulgaria and Romania to the European Parliament. He confirmed that their accession on 1 January 2007 remains an achievable goal for both countries. They need to make progress in addressing the outstanding issues highlighted in the monitoring reports. A final decision on the date of accession will be taken in light of the Commission's next monitoring reports which are due in October.

Some of the problem areas that remain are common to both countries, particularly in relation to putting in place the necessary arrangement for the disbursement of EU funds. In the agricultural area, both countries need to set up a proper, integrated administration and control system.

While both countries need to sustain their efforts in reforming the judiciary and fighting corruption, Bulgaria has been urged to devote special attention to this area. In its most recent report, the Commission stated that "Bulgaria needs to complete the reform of the judiciary, ensure tangible results, and take the additional steps to guarantee its independence". The

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Bulgarian Government has formulated an Action Plan aimed at addressing the remaining problem areas highlighted in the Commission's report. This includes further measures aimed at improving the independence of the judiciary. Their progress will be further assessed in the next Commission report.

Ireland believes that both Bulgaria and Romania need to make full use of the time available to address the remaining issues so that they can join the Union, as planned, on 1 January 2007. We hope that they will succeed in their efforts. Ireland very much looks forward to working with both countries as partners in a successful Union of 27 Member States.

International Agreements.

27. **Mr. Sherlock** asked the Minister for Foreign Affairs when Ireland will ratify the Optional Protocol of the United Nations Convention against Torture in view of the departure from equivalence as far as the Good Friday Agreement is concerned. [25239/06]

Minister for Foreign Affairs (Mr. D. Ahern): I refer the Deputy to my response of 10th November, 2005.

On 18 December 2002, the Third Committee of the United Nations General Assembly adopted the Draft Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment (OP-CAT). Ireland, along with other EU partners, fully supported the draft Optional Protocol and worked for its adoption at the UN General Assembly and the Commission on Human Rights.

The object of the Protocol is to establish a system of regular visits undertaken both by an independent international body and by national bodies to places of detention with a view to preventing torture and other cruel, inhuman or degrading treatment or punishment. The international body is to be a subcommittee of the UN Committee against Torture and Other Cruel, Inhuman or Degrading Treatment. At the national level, States may maintain, designate or establish one or several bodies for the prevention of torture at the domestic level.

As regards our signature of the Optional Protocol, with a view to subsequent ratification, the Minister for Justice, Equality & Law Reform informed the Dáil on Tuesday, 8 November, that he is reviewing national legislation to ascertain whether legislative changes would be required before signature and ratification of the Optional Protocol. I understand that he has commenced consultations with other Government Departments and Bodies, including the Department of Health and Children and the Department of Education and Science, in relation to arrangements for the inspection of institutions for which they are responsible.

While it is the case that the UK has already ratified the Optional Protocol, I do not believe that this creates any substantive disparity between the two parts of the island. Significant protection in relation to torture already exists in this jurisdiction. Ireland has ratified the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (entered into force for Ireland on 1 February 1989). That Convention establishes a visiting system predating but similar to that established under OP-CAT. We understand that the Committee for the Prevention of Torture (CPT, the body established under that Convention) has already conducted 3 visits to Ireland in 1993, 1998 and 2002 and is due to visit again this year.

Common Foreign and Security Policy.

28. **Mr. Perry** asked the Minister for Foreign Affairs the latest discussions he has held with his European counterparts with regard to the development of new EU battlegroup formations; and if he will make a statement on the matter.

[25137/06]

71. **Mr. Gormley** asked the Minister for Foreign Affairs the progress which has been made in negotiations to join the Nordic battlegroup; and if he will make a statement on the matter. [25205/06]

Minister for Foreign Affairs (Mr. D. Ahern): I propose to take Questions Nos. 28 and 71 together.

The ambition of the EU to be able to respond quickly to emerging crises has, and continues to be, a key objective of the development of the European Security and Defence Policy (ESDP). An important aspect of ESDP is the development of a standby military rapid response capacity, in the form of Battlegroups. Almost all EU Member States have already made a commitment to contribute to a specific battlegroup formation. Apart from Ireland, the only countries which have not done so are Denmark, which is in a special position due to its opt-out in this area, and Malta. Ireland has indicated to its EU partners a positive disposition to taking part in battlegroups.

As I have previously reported to the House, a delegation consisting of representatives from the Departments of Defence and Foreign Affairs and the Defence Forces met with their Swedish counterparts in Stockholm on 10 March 2006 to discuss possible participation by the Defence Forces in the Nordic battlegroup, which is due to be on standby during the first half of 2008. Our representatives outlined Ireland's position in relation to battlegroup participation and international peacekeeping generally and gave a presentation on the capabilities which Ireland could make available to a battlegroup.

The legal, operational and other issues surrounding participation in battlegroups were con-

sidered by an interdepartmental working group established by the Minister for Defence, which included representatives of my own Department. The report of the working group was considered by the Cabinet Committee on European Affairs and, informally, by the Government. Following this report, my colleague the Minister for Defence decided to introduce legislation to amend the Defence Acts. On 20 June 2006, the Government approved the introduction of the Defence (Amendment) Bill 2006, which was debated in the Seanad on 27-28 June and will be debated in the Dáil on 5 July 2006.

Regarding our possible participation in the Nordic Battlegroup, my colleague, the Minister for Defence informed the House on 22 June 2006 that the consultations with Sweden, including technical discussions on a Memorandum of Understanding (MoU) and on the specific nature of our contribution, are continuing. Any decision on a specific contribution to the Nordic, or any other, battlegroup would, of course, be subject to formal Government approval.

International Agreements.

29. **Ms Shortall** asked the Minister for Foreign Affairs the position in relation to the draft United Nations proposal in relation to the rights of the disabled; and if he will make a statement on the matter. [25256/06]

Minister for Foreign Affairs (Mr. D. Ahern): The United Nations has for some time been considering the question of a new international legal instrument aimed at the protection and promotion of the human rights of persons with disabilities. The process formally began on 19 December 2001 when the UN General Assembly established an Ad Hoc Committee (AHC) whose mandate it is to consider proposals for a comprehensive and integral international convention to promote and protect the dignity and rights of persons with disabilities.

To date seven sessions of the AHC have taken place. These sessions have been held in New York twice a year since 2002. Ireland has been represented by officials from several Departments, including the Department of Foreign Affairs and the Department of Justice, Equality & Law Reform. The policy issues being discussed at the AHC are primarily ones on which domestic Government Departments lead, but my Department has a co-ordinating role.

Ireland has participated actively in EU discussions on the proposed Convention and supports the agreed EU common position on the matter. The EU has expressed its support for an international convention anchored by certain fundamental principles, including: non-discrimination, equality of opportunity, autonomy, participation and integration.

Together with our EU partners, Ireland believes that the guiding principle of any new leg-

ally-binding instrument in relation to the human rights of persons with disabilities that will emerge from these discussions should be to ensure that persons with disabilities can better enjoy their human rights. We consider that a new legally-binding instrument should facilitate the implementation of existing rights in the specific situations faced by persons with disabilities.

Ireland has also been particularly active in ensuring civil society participation in the drafting process. We have funded participation by disability NGOs. In addition Ireland has pressed the EU to underline the importance of maintaining the unprecedented level of NGO participation in the drafting process.

At the most recent AHC session, in January 2006, the Committee's Chair, drawing on earlier discussions and previous texts, proposed a compromise text which continues to be the subject of discussions.

There is however agreement on large parts of the Chair's text of the draft Convention. The document outlines the general obligations of States in relation to the rights of persons with disabilities. The draft treaty includes references to certain civil and political rights, such as the right to freedom of expression and the right to privacy, and also to certain economic and social rights such as the right to education and the right to health. It specifies that discrimination on the grounds of disability is impermissible, and provides that persons with disabilities be given the equal opportunity to enjoy their human rights.

Questions that remain outstanding include: the inclusion of a definition of disability, monitoring provisions of the Convention, accessibility to the built environment, legal capacity, enforced detention of persons with disability and involuntary treatment.

The 8th session of the AHC will begin on 15 August 2006. The Chair believes agreement on the draft instrument can be reached in August and has expressed his wish to see the draft Convention adopted this autumn at the 61st session of the United Nations General Assembly.

UN Agencies.

30. **Ms O. Mitchell** asked the Minister for Foreign Affairs when the new UN Human Rights Council will begin its work; the composition of the new UN Human Rights Council; and if he will make a statement on the matter. [25123/06]

Minister for Foreign Affairs (Mr. D. Ahern): The UN Human Rights Council is at present holding its inaugural session in Geneva. The current session began on 19 June and will continue until the end of this week. The next session will take place in September.

My colleague, Minister of State Noel Treacy T.D., addressed this new body on behalf of the Government on 20 June. He called for the new UN Human Rights Council to make itself fully

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relevant by confronting the very real and practical human rights challenges which the world faces today. He also presented Ireland's view that there should now be a decisive shift to effective implementation of the standards elaborated by the Council's predecessor, the Commission on Human Rights.

In addition, the Minister argued that some of the best aspects of the Commission must be preserved and, in particular, that the active engagement of the Commission with civil society on human rights issues should continue. He underlined Ireland's commitment to a positive and constructive environment within the Council, but emphasised that the Council must also be frank in addressing wilful neglect and violation of international human rights.

Two significant innovations may contribute to the effectiveness of the new body. It will meet more frequently during the year, thus potentially allowing a greater capacity to deal with human rights violations in real time. Secondly, it will develop a system of universal periodic review of States' human rights records, which may help address the argument of selectivity levelled against its predecessor. Ireland, together with our EU partners, will seek to shape the periodic review mechanism so that it provides a credible and effective oversight process.

In terms of its composition, States are elected to the 47 member Council by the General Assembly on the basis of regional allocation of seats. The first elections to the new UN Human Rights Council took place on 9 May 2006. A table showing those States elected is set out below.

The General Assembly Resolution establishing the Council included a number of provisions aimed at addressing concerns relating to the human rights records of its members. Whereas election to the former Commission on Human Rights was by a simple majority of States present and voting in the General Assembly, members of the Human Rights Council have to receive the support of an absolute majority of the General Assembly. In addition, States are elected by secret ballot.

Prospective members of the Council are also obliged to commit themselves to upholding the highest standards in the promotion and protection of human rights, and they will be the first to be scrutinised under the new universal periodic review mechanism.

A mechanism has also been established to allow for the expulsion of a member of the Council if it is deemed by a two-thirds majority of the General Assembly to be responsible for gross and systematic violations of human rights. In this general regard, Ireland and our European Union partners have undertaken not to vote for any State that is subject to Security Council sanctions for human rights related reasons.

I am confident this new body can represent a fresh start and, in particular, that it has the poten-

tial to contribute significantly to the UN's active engagement on human rights issues.

List of countries elected to the UN Human Rights Council

Countries

1. Algeria
 2. Argentina
 3. Azerbaijan
 4. Bahrain
 5. Bangladesh
 6. Brazil
 7. Cameroon
 8. Canada
 9. China
 10. Cuba
 11. Czech Republic
 12. Djibouti
 13. Ecuador
 14. Finland
 15. France
 16. Gabon
 17. Germany
 18. Ghana
 19. Guatemala
 20. India
 21. Indonesia
 22. Japan
 23. Jordan
 24. Malaysia
 25. Mali
 26. Mauritius
 27. Mexico
 28. Morocco
 29. Netherlands
 30. Nigeria
 31. Pakistan
 32. Peru
 33. Philippines
 34. Poland
 35. Republic of Korea
 36. Romania
 37. Russia
 38. Saudi Arabia
 39. Senegal
 40. South Africa
 41. Sri Lanka
 42. Switzerland
 43. Tunisia
 44. UK
 45. Ukraine
 46. Uruguay
 47. Zambia
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Democratisation Initiatives.

31. **Mr. Connaughton** asked the Minister for Foreign Affairs the pro-democracy initiatives which are funded by his Department in different parts of the world; and if he will make a statement on the matter. [25124/06]

Minister of State at the Department of Foreign Affairs (Mr. C. Lenihan): The Government's programme of assistance to developing countries reflects our longstanding commitment to human rights and fairness in international relations and the recognition that democratisation, good governance and the promotion of human rights are as important as economic policy and reform for reducing poverty and achieving development.

Support to good governance and democratisation is now a major priority area of expenditure in the development cooperation programme, accounting for over €103 million in 2005 — up from €88 million in 2004. This included support for pro-democracy initiatives in twenty-four countries worldwide in the areas of: support for NGO-based pro-democracy initiatives (five countries); support for election monitoring (thirteen countries); and support through the country programme budget of Irish Aid in the priority programme countries (six countries). Support for NGO-based pro-democracy initiatives: Examples of the type of programme supported include: In Sierra Leone, €116,000 was disbursed in 2005 to support democratisation through the "Accountability in Local Government Initiative", which seeks to encourage citizens to take an active role in local development planning, local government meetings and the preparation and monitoring of budgets.

In Peru, €314,342 was provided from 2004 to 2006 for a project which aims to contribute to the human development, democratisation and construction of a culture of peace in indigenous communities affected by the armed conflict.

In The Philippines, €234,439 was granted from 2004 to 2005 for a project aimed at "Strengthening the democratic processes in Local Government".

In South Africa, Ireland supports prominent NGOs such as the Centre for the Study of Violence and Reconciliation, the Human Rights Foundation and the South Africa Institute for Democracy. Support for Election Monitoring: In 2005, 60 monitors participated in 13 international election missions, mainly through the Organisation for Security and Cooperation in Europe (OSCE) and the European Union. These missions were to Albania, Afghanistan, Azerbaijan, Burundi, Ethiopia, Former Yugoslav Republic of Macedonia (FYROM), Liberia, Moldova, Kazakhstan, Kyrgyzstan, Palestine, Sri Lanka and Venezuela. Expenditure in 2005 was €110,074.

In 2006, 57 election monitors have so far participated in 11 international election missions in Palestine, Ukraine, Uganda, Belarus, Haiti, Fiji, Republic of Montenegro (Serbia & Montenegro), Bolivia, Democratic Republic of Congo, Nicaragua and Former Yugoslav Republic of Macedonia (FYROM). Irish Aid support in the bilateral country programmes Good Governance is a key component in all of Irish Aid's bilateral country programmes. In Uganda, €7 million is being provided for assistance for governance initiatives, including support to the Justice, Law and Order Sector, targeted at improving citizens' access to justice, the Uganda Human Rights Commission, and an anti-corruption group. In Mozambique, five main areas are being supported: justice; democratisation; Human Rights; anti-corruption and civil society participation, for a total of €2.75 million. Support to local governance initiatives in Tanzania will total €5.7million. In Timor-Leste (East Timor), €300,000 was provided in 2005 for governance initiatives including support to government and civil society organisations to promote democracy and human rights. In Vietnam, €950,000 was given in 2005 to support local government, assist in legal development and strengthen the capacity of the National Assembly and People's elected bodies in the interests of increasing transparency and accountability. Governance is a major area of emphasis in Ireland's assistance to Ethiopia. In 2005, €4.5 million supported strengthening of the public sector, civil service reform, Parliamentary institutions, local NGOs active on Human Rights issues and prisoner support organisations.

Overseas Development Aid.

32. **Mr. Durkan** asked the Minister for Foreign Affairs the progress of efforts to deal with war, starvation, HIV and AIDS throughout Africa; and if he will make a statement on the matter. [25316/06]

154. **Mr. Durkan** asked the Minister for Foreign Affairs the extent to which the EU and UN are engaging to alleviate war and starvation in Africa; and if he will make a statement on the matter. [25468/06]

Minister of State at the Department of Foreign Affairs (Mr. C. Lenihan): I propose to take Questions Nos. 32 and 154 together.

The complex series of factors which contribute to the enormous needs we encounter in Africa include food insecurity, poverty, environmental degradation, weak governmental capacity and policies, unequal global trading relationships, protracted conflict, severe infrastructural weaknesses, poor governance, debt and the effects of HIV/AIDS.

[Mr. C. Lenihan.]

Addressing Africa's needs, especially the interests of the poorest and most vulnerable, necessitates a comprehensive and coordinated series of actions by the international community and African Governments. In order to measure development progress and to set benchmarks, the United Nations has developed the Millennium Development Goals (MDGs), which were endorsed by the leaders of the world in 2000.

While the MDGs are undoubtedly ambitious, they can be reached if all stakeholders, the affected countries themselves, the donor community, the UN and EU work together to ensure that poverty reduction, good governance and sustainable development are the cornerstones of all our efforts in Africa.

For Ireland, Africa is at the heart of the programme of official development assistance and our approach has a number of distinct but complementary elements. As regards the immediate challenges of natural disasters, conflict and food crisis, our humanitarian budget is a key instrument in meeting immediate needs. Our recovery and long-term development programmes seek to assist countries emerging from natural and man-made emergencies and also address the underlying causes of poverty in all its manifestations.

Long-term development is the core of our aid programme in Africa. We have a strong partnership with six countries in sub-Saharan Africa, namely Ethiopia, Lesotho, Mozambique, Tanzania, Uganda and Zambia. We are assisting the Governments and peoples of these Programme Countries to address the fundamental causes of poverty through promoting good governance, delivery of essential basic needs, including the fight against HIV/AIDS and promoting economic growth.

In addition, we work in many other African countries, either directly or through our partnerships with the United Nations, the Red Cross family and NGOs such as Concern, Goal, Trócaire, Oxfam and others. In the context of an increasing aid budget, as we approach the UN target of 0.7% of GNP by 2012, these interventions are being further strengthened through enhanced support at the global and country levels.

Ireland's approach to efforts to promote security and stability in Africa includes our contribution to the security and stability of Liberia through the deployment of troops with UNMIL, the UN Mission in Liberia, since 2003. Ireland has also provided assistance to the African Union (AU) Mission in Sudan (AMIS), as part of the EU's joint actions to foster peace and security in Darfur. In addition, we have pledged support to the UN's Peace Building Fund and have been strongly supportive of the establishment of the Peace Building Commission. We are actively seeking ways to support regional organisations in

Africa, particularly the AU which represents an important strategic partner for the European Union and the international community generally.

The challenges facing Africa are enormous. But there is some encouraging news. Many African economies are growing. Inflation, now averaging 8% a year, is at its lowest level in many African countries since soon after independence. While there are exceptions such as Somalia, Zimbabwe and others, many African countries now have less violence and civil strife than for many years. There is relative peace in Sierra Leone, Liberia, Angola and southern Sudan. The Democratic Republic of Congo is preparing for elections next month. We must build on progress. We must address continuing needs. Through our growing aid programme, we will continue to make a difference on the ground in Africa and to work with all donors, including the UN and EU, to make a real and lasting difference in the lives of the poorest in Africa.

Human Rights Issues.

33. **Ms Enright** asked the Minister for Foreign Affairs the position of his Department with regard to the recent Council of Europe report on rendition; and if he will make a statement on the matter. [25157/06]

53. **Mr. Boyle** asked the Minister for Foreign Affairs his objections to the criticism levied by the Council of Europe on Ireland regarding CIA extraordinary rendition flights and the use of Shannon Airport; and if he will make a statement on the matter. [25208/06]

148. **Mr. Gormley** asked the Minister for Foreign Affairs his views on the criticism levied by the Council of Europe on Ireland regarding CIA extraordinary rendition flights and the use of Shannon Airport; and if he will make a statement on the matter. [25497/06]

Minister for Foreign Affairs (Mr. D. Ahern): I propose to take Questions Nos. 33, 53 and 148 together.

I would refer the Deputies to my statement in Dáil Éireann on 13 June 2006, in which I addressed in some detail the most recent Council of Europe report, that of Senator Dick Marty, the rapporteur appointed by the Committee on Legal Affairs of the Parliamentary Assembly.

Despite the pervasive lack of hard evidence contained in Senator Marty's report, it makes for disturbing reading in relation to the details provided of some specific cases in other countries. It confirms why we are right to oppose extraordinary rendition. As regards the specific case of Ireland, however, Senator Marty's report produces absolutely no new evidence which

would support allegations that the Government is in any way colluding in the practice.

In addition to the shortcomings of the evidence contained in Senator Marty's report, there is a lack of a clear chain of reasoning; it contains simply some very cursory assertions, including one that Ireland "could be held responsible for collusion" for being a "stopover" for flights involving the unlawful transfer of detainees. I utterly reject this assertion, which seems to be based on a quite implausible and ill-founded analysis of what might conceivably have been possible for us to do.

Moreover, Senator Marty fails to take account of our complete opposition to extraordinary rendition and the categorical assurances we have received that it does not take place through Ireland. To allege collusion without addressing either of those points is quite unfair. I would remind the House that neither Senator Marty, nor anyone acting on his behalf, has approached or addressed a single query in this respect to the Government or to our Permanent Representative to the Council of Europe.

I would reiterate the Government's intention to consider carefully with partners any specific and workable recommendations that may be made by the Council of Europe in this area. I would anticipate that if such recommendations emerge—whether through the Parliamentary Assembly or the Secretary General—they will require coordinated action at a European level if they are to be implemented in an effective manner.

Question No. 34 answered with Question No. 11.

Foreign Conflicts.

35. **Mr. Stagg** asked the Minister for Foreign Affairs his views on whether Somalia has been neglected by the international community in the years following its famine; and his further views on recent developments and their human rights implications in that country. [25238/06]

163. **Mr. Durkan** asked the Minister for Foreign Affairs the extent to which the situation in Somalia has been resolved; and if he will make a statement on the matter. [25477/06]

Minister for Foreign Affairs (Mr. D. Ahern): I propose to take Questions Nos. 35 and 163 together.

The famine of 1991 occurred in the same year as the overthrow of the government of Said Barre. For 15 years, civil war raged and Somalia was widely seen as a 'failed state'. However, in recent years, there have been some positive developments despite current difficulties.

A National Reconciliation Conference, the fourteenth attempt to re-establish central government in the country, began in Kenya in October 2002 with financial support from Ireland and the EU. It resulted in the creation of Transitional Federal Institutions (TFIs) including the Transitional Federal Parliament (TFP) which, in October 2004, elected President Abdullahi Yusuf Ahmed. The Transitional Federal Government (TFG) was inaugurated in December 2004. The formal relocation to Somalia of the TFIs began in June 2005. The first session of the TFP on Somali soil was held in Baidoa on 26 February 2006 with about 80 per cent of deputies in attendance. The TFP has continued its work since then and has made progress on some important initiatives including the National Security and Stabilisation Plan.

However, during the spring of 2006, Mogadishu experienced an upturn in violence as conflict escalated between the clan-based warlords who had controlled the city and a grouping called the Union of Islamic Courts. By mid-June, the Union of Islamic Courts had seized control of most of Mogadishu and some of the surrounding region. The TFG responded by sacking those ministers who had been involved in the conflict as warlords and declaring itself ready for dialogue with the Union of Islamic Courts. In its capacity as chair of the Arab League, the Government of Sudan hosted the first high-level talks between the two sides in Khartoum leading to an agreement on mutual recognition on 22 June. It is now likely that future talks will be held in Somalia.

The chairman of the Union of Islamic Courts, Sharif Sheikh Ahmed, has written to the United Nations, the European Union and the United States, calling for the establishment of friendly relations with the international community, based on mutual respect. Ireland, together with its EU partners, will continue to support a political solution as the only way to provide stability to the people of Somalia. I therefore look forward to on-going dialogue between the TFG and the Union of Islamic Courts. The EU fully supports the efforts of the TFG to extend peace, stability and effective governance based on the rule of law throughout Somalia.

I condemn the murder of Swedish cameraman Martin Adler. I understand he was filming a demonstration in Mogadishu when he was killed on 23 June.

Somalia is one of the countries worst-affected by the drought currently afflicting the Horn of Africa. In many ways this sad situation demonstrates the link between peace and development. Fifteen years of conflict have destroyed infrastructure and livelihoods. In response to the current crisis, the Government has allocated €2.947 million in emergency humanitarian funding to Somalia so far this year. This is in addition to almost €3 million in emergency funding provided

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to a range of non-governmental organisations and UN agencies for programmes in Somalia in the 2004-2005 period. A further €1 million was apportioned to Concern and Trócaire under the Multi-Annual Programme in 2005.

Debt Relief.

36. **Mr. Durkan** asked the Minister for Foreign Affairs the extent to which he or his EU and UN colleagues have monitored the impact and extent of debt write-off to developing countries; if commitments entered into by the IMF or World Bank have been honoured in full; if elements of debt relief promised have failed to materialise; if further arrangements incurring further debt liability have been entered into in the interim. [25315/06]

155. **Mr. Durkan** asked the Minister for Foreign Affairs the countries to which commitments entered into under debt relief or debt write-off have to date been delivered; and if he will make a statement on the matter. [25469/06]

Minister of State at the Department of Foreign Affairs (Mr. C. Lenihan): I propose to take Questions Nos. 36 and 155 together.

The debt burden is accepted as being a serious factor in retarding the progress of the poorest countries from achieving development. Ireland's principal commitment at present in the area of debt relief and debt cancellation is to the Multi-lateral Debt Relief Initiative (MDRI) at the World Bank/IDA. The Minister for Finance has pledged €59 million as Ireland's contribution to this programme, which comes into effect on 1 July and will continue until 2044. The total amount of debt relief planned by the World Bank is US\$37 billion. Exceptionally, Ireland intends to pay the full amount of its contribution in the present year. This decision not only underlines Ireland's continued support for 100% debt relief for the poorest countries but also helps to ensure that the World Bank/IDA is adequately funded and is enabled to continue providing credit to developing countries.

The MDRI is expected to provide debt relief initially for 17 heavily-indebted poor countries (HIPC) which have already reached completion point in the existing HIPC programme, that is to say they have fulfilled all the conditions of financial and economic management prescribed by the World Bank. Other heavily-indebted countries may qualify in due course.

The HIPC debt relief programme initiated in 1996 was open to 42 countries, of which eighteen have now reached completion point. A number of other countries are still in the process and may reach completion point later. Ireland contributed €30 million to this programme. However,

although substantial amounts of debt were cancelled, it became apparent that the programme had not taken sufficient account of the levels of poverty and of other problems such as HIV/AIDS in the participating countries. Ireland has taken the view that a country's requirement to repay debt must not prevent it from maintaining an adequate level of expenditure on services such as education, health and water supply.

Under the MDRI now coming into effect, the yearly value of the debts being cancelled could be up to US\$700 million. While the impact of debt relief measures taken to date requires further analysis, it is clear that debt relief alone will not solve the problems of poverty and indebtedness. Even if all of the relief in the MDRI programme turned into new money in developing country budgets, it would still be less than one-fiftieth of the increase in annual aid budgets which the World Bank estimates is needed to achieve the internationally agreed Millennium Development Goals.

Question No. 37 answered with Question No. 25.

EU-US Summit.

38. **Caomhghn Ó Caoláin** asked the Minister for Foreign Affairs his views on the implications of the most recent EU-US summit text and in particular the declaration of an intention to intensify their efforts promoting peace, human rights and democracy worldwide and to strengthen co-operation on the issue of confronting global challenges, including security on future foreign policy decisions of this State; and if he will make a statement on the matter. [25200/06]

103. **Mr. Gormley** asked the Minister for Foreign Affairs if he will report on the EU-US Summit; the discussions which took place on the issue of CIA extraordinary rendition flights; and if he will make a statement on the matter. [25206/06]

149. **Mr. Sargent** asked the Minister for Foreign Affairs if he will report on the EU/US Summit in Vienna; and if he will make a statement on the matter. [25336/06]

Minister for Foreign Affairs (Mr. D. Ahern): I propose to take Questions Nos. 38, 103 and 149 together.

The EU-US Summit, which took place in Vienna on 21 June 2006, provided an opportunity for both sides to underline the strength of the EU-US relationship in terms of trade and investment but also increasingly as partners in handling difficult situations around the globe. The Summit included discussions on, inter alia, foreign policy,

energy security, economy and trade. The promotion of democracy was the main theme in the foreign policy discussion with a particular focus on Iran and the Middle East. There was also a substantive exchange of views on Guantánamo. Discussion in relation to extraordinary rendition concentrated on the need to continue a dialogue that is underway between legal experts from the EU Member States and the US on the legal and human rights issues arising from efforts to combat terrorism.

In the Summit Declaration, both the EU and the US agreed to intensify efforts to promote peace, democracy, freedom, the rule of law and respect for human rights in the world to make it more secure, safe and prosperous for all mankind. The EU and US undertook to implement international obligations in respect of global challenges such as measures to combat terrorism, non-proliferation, natural disasters and pandemics, whilst also ensuring that human rights law, refugee law and international humanitarian law are complied with fully.

Ireland was fully involved in negotiations on the Summit Declaration. The broad themes set out in the Declaration represent an implicit consensus between the EU and the US and are fully in line with our national approach. The outcome of the Summit represents the continuing improvement of the transatlantic relationship which has been evident since the Dromoland Castle Summit held under the last Irish Presidency of the EU in June 2004.

International Agreements.

39. **Mr. Penrose** asked the Minister for Foreign Affairs Ireland's position in relation to Agreement for the Application of the Bolivarian Alternative for the Peoples of Our America, and such correspondence as he may have received in this regard from the signatory countries, or their neighbours. [25268/06]

Minister for Foreign Affairs (Mr. D. Ahern): The Agreement for the Application of the Bolivarian Alternative for the Peoples of Our America was signed between the Governments of Bolivia, Cuba and Venezuela following a meeting of their Presidents in Havana on 28-29 April 2006. The Ambassador of Cuba has forwarded a copy of the Agreement to me, which is the only correspondence I have received regarding it from the signatory countries. The Agreement focuses, inter alia, on developing complementary trade programmes, increasing mutual investment, and developing mutually beneficial financing arrangements. Such an Agreement is a matter for the countries concerned and it is not for the Government to take a position in respect of it.

40. **Mr. Stagg** asked the Minister for Foreign Affairs if Ireland has arrived at a conclusion as to the position it will be adopting as a member of the Nuclear Suppliers' Group and the expected request for an exception in order to facilitate the US-India Agreement in this regard; and if he will make a statement on the matter. [25237/06]

51. **Ms O'Sullivan** asked the Minister for Foreign Affairs his views on whether the proposed US-India nuclear agreement is not reconcilable with the spirit or the letter of the non-proliferation agreement of the United Nations, of which Ireland was author. [25259/06]

Minister for Foreign Affairs (Mr. D. Ahern): I propose to take Questions Nos. 40 and 51 together.

Agreement on the basis for US-India civil nuclear cooperation was reached on 2 March 2006 between President Bush and Prime Minister Singh during the former's visit to India. Under the agreement, India has agreed, inter alia, to identify and separate civilian and military nuclear facilities and programmes and to file a declaration regarding its civilian facilities with the International Atomic Energy Agency (IAEA). India has agreed to classify 14 of its 22 nuclear power reactors as civilian facilities and voluntarily to place these under IAEA safeguards.

The 45 participating countries of the Nuclear Suppliers Group (NSG), including Ireland, have agreed guidelines governing the export of items that are specially designed or prepared for nuclear use and for nuclear related dual-use items and technologies. Under these guidelines the export of such items to India is prohibited and the question has arisen whether the guidelines should be changed or an exemption granted to India. Ireland has been an active participant in discussions on the US-India deal within the NSG. As Minister of State Tracey anticipated in the House on 24 May, the NSG Plenary, which took place in Brasilia from 29 May to 2 June, was not asked to take any decision on the issue. Instead, we received an update on developments since the last NSG discussion in March and agreed to return to the matter in October, when more information might be available.

This Agreement is a complex matter on which our analysis is still continuing. Not all of the details of what precisely is involved are yet clear and we would wish to have the fullest possible information in order to make a considered judgment. We have been active in asking many questions on those aspects where we needed greater clarity in order to assist our own analysis. This is the case, for example, with regard to the safeguards agreement that India has yet to negotiate with the International Atomic Energy Agency (IAEA). Our final view will ultimately depend on our assessment of the potential impact

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of the US-India deal on the global non-proliferation regime, and on the approach taken by like-minded countries.

There are differing views, internationally, as to the potential impact of the deal on the global regime and on the NPT, in particular. The recently released report of the Commission on Weapons of Mass Destruction, chaired by Hans Blix, has, for example, concluded that the compatibility, or otherwise, of the US-India deal with the NPT is a matter of judgment. The Director General of the International Atomic Energy Agency, Mohammed El Baradei, has also noted in a recent op-ed piece that this is a complex issue on which intelligent people can disagree and that, ultimately, it comes down to a balance of judgment.

As Minister of State Tracey made clear in the House on 24 May, while we have still to reach a final, considered and informed judgment on the matter, we do have genuine concerns about what appears to be envisaged. We continue to see the NPT as a unique and irreplaceable multilateral instrument for maintaining and reinforcing international peace and security. The Treaty establishes a legal framework both for preventing the further proliferation of nuclear weapons and for the elimination of existing nuclear weapons through the obligation to pursue nuclear disarmament. We will remain committed to the universalisation of the NPT and will continue to call upon all States not party to the Treaty, including India to accede as non nuclear weapon States.

Question No. 41 answered with Question No. 26.

EU Constitution.

42. **Mr. Hogan** asked the Minister for Foreign Affairs the timeframe for the extension of the EU Constitution period of reflection; and if he will make a statement on the matter. [25143/06]

64. **Mr. Naughten** asked the Minister for Foreign Affairs the most realistic timescale for the possible ratification of the EU Constitution, following the recent European Council meeting; and if he will make a statement on the matter. [25131/06]

79. **Mr. McGinley** asked the Minister for Foreign Affairs the timeline for the ratification of the European Constitution throughout the European Union; and if he will make a statement on the matter. [25121/06]

118. **Mr. P. Breen** asked the Minister for Foreign Affairs the position with regard to the proposal that a deadline for the ratification of the EU Constitution by all Member States be

imposed; and if he will make a statement on the matter. [25145/06]

Minister for Foreign Affairs (Mr. D. Ahern): I propose to take Questions Nos. 42, 64, 79 and 118 together.

The European Council on 15/16 June accepted that more time and further work are needed before firm decisions can be taken on the future of the EU Constitution, which has now been ratified by 15 Member States. The European Council expressed the hope that the ratification process will be completed.

There is no specific deadline for the ratification of the European Constitution, and I do not think that setting a strict deadline would be helpful. Clearly, the original target date of November 2006 for the entry into force of the Constitution will not now be met.

The European Council Conclusions envisage extensive consultations with Member States culminating in a Presidency report in the first half of 2007. The Council Conclusions mention 2008 as the date by which the necessary steps will have been taken to allow the process advance. This represents a shared commitment to take the necessary decisions by that time.

Ratification of the Constitution is a matter for each Member State. In Ireland, ratification will, of course, be by referendum. Following last year's "No" votes in France and the Netherlands, the Government decided that no date would be set for the referendum until the overall situation becomes clearer at the European level.

Naval Service Vessels.

43. **Mr. Eamon Ryan** asked the Minister for Foreign Affairs if he will report on the visit of the Royal Navy warship, the HMS Ocean to Dublin Port in June 2006; the purpose of this visit; and if he will make a statement on the matter. [25214/06]

Minister for Foreign Affairs (Mr. D. Ahern): In keeping with the friendly relations between Ireland and the United Kingdom, incoming and outgoing visits by our respective Naval Services are organised from time to time. Proposed visits are examined on a case-by-case basis before diplomatic clearance is granted.

The visit of HMS Ocean to Dublin is non-operational, informal and 'goodwill' in nature. The ship will dock in Dublin Port from 29 June until its departure on 3 July.

Debt and Development Coalition.

44. **Mr. Howlin** asked the Minister for Foreign Affairs the progress which has been made in achieving the objectives of NEPAD; and his views on the capital flight from heavily-indebted countries in Africa. [25243/06]

Minister for Foreign Affairs (Mr. D. Ahern): NEPAD, the New Partnership for Africa's Development, is an African-owned and led initiative which is intended to eradicate poverty and promote and achieve sustainable development in Africa in the 21st century. It is based on the recognition that the primary responsibility for Africa's future lies not in the hands of donors or multilateral institutions but in the actions of Africa's governments and peoples. NEPAD has been adopted by the African Union as its socio-economic programme and has also been endorsed by the UN General Assembly which has urged international support for its implementation.

NEPAD is ambitious in its scope, both in seeking to create the conditions for sustainable development in Africa, through promotion of peace and security, democracy and good governance, and in attempting to promote policy reforms and increased investment in key economic sectors, such as agriculture, human development, infrastructure, education and energy. A development plan for the agricultural sector, the CAADP (Comprehensive Africa Agriculture Development Programme), has been agreed though implementation to date has been limited.

The major progress achieved to date through NEPAD has been the African Peer Review Mechanism which scrutinises, monitors and reports on progress in good governance (both political and economic) through a forum of Heads of State of participating countries. Twenty-six countries, including Irish Aid's six programme countries in Africa, have so far signed up to the APRM while the first two formal reviews, of Ghana and Rwanda, have now been completed. The report on Ghana was published in April 2006 and the Ghanaian government has now prepared a programme for follow-up implementation. The report on Rwanda will be considered at the next APRM Heads of Government Forum to be held later this year and will hopefully be published thereafter.

Ireland's policy in relation to heavily-indebted poor countries has concentrated on the need to relieve the burden of debt in order to permit adequate public expenditure on necessary services to reduce poverty, including health, education, water and sanitation.

Overseas Development Aid.

45. **Mr. Timmins** asked the Minister for Foreign Affairs if his Department will have a lead role in the Rapid Response Initiative to strengthen Ireland's ability to respond to emergency and disaster situations; and if he will make a statement on the matter. [23767/06]

57. **Mr. O'Dowd** asked the Minister for Foreign Affairs the position with regard to the establish-

ment of a voluntary humanitarian corp; and if he will make a statement on the matter. [25132/06]

Minister of State at the Department of Foreign Affairs (Mr. C. Lenihan): I propose to take Questions Nos. 45 and 57 together.

The Rapid Response Initiative aims at strengthening Ireland's operational response to humanitarian crises. Ireland already plays a key role in supporting the UN, the International Red Cross family and Non-Governmental Organisations (NGOs) to respond to humanitarian emergencies abroad. The Asian Tsunami of December 2004, the remarkable response of the Irish public to that catastrophe and the UN agenda for humanitarian reform have convinced me that Ireland can and should enhance its humanitarian response.

My Department is leading on the rapid response initiative but is working closely with other Departments, including in particular the Department of Defence. I envisage that this initiative will enable us to work closely with other Departments, including on the release of key skilled people to take part in emergency teams deployed to make rapid needs assessments and assist in the coordination of relief.

The three main components of the initiative are the pre-positioning and transportation of material humanitarian supplies to disaster locations; the creation of a register of highly skilled and experienced individuals for deployment with agencies at short notice; and an overall enhancement of our support to international humanitarian response agencies and mechanisms.

The first element of this initiative will see Ireland pre-positioning humanitarian supplies. The rapid availability and deployment of material supplies such as shelter, food, water and sanitation equipment are key elements for a successful response to an emergency, whether natural or man-made. Recent humanitarian emergencies, such as the Pakistan earthquake, have shown that gaps exist in the surge capacity of the international community to deploy an adequate level of humanitarian supplies quickly.

I am proposing that we help to address this gap by pre-positioning supplies in two specific sectors — shelter and water/sanitation. The exercise is being undertaken in close co-operation with the United Nations, which has the leading role in international emergency response. It is my intention that some of these humanitarian supplies will be stored in Ireland, with the assistance of the Department of Defence and the Defence Forces, and a further stock will be located at an international hub managed by the United Nations.

Following extensive discussions with a range of relevant agencies, we are now putting in place plans for the establishment of the rapid response register. A public advertisement will issue in due course to set out the skills which these discussions

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have identified as particularly sought after at this time. The international community's humanitarian response has particular gaps in capacity and it is our hope that we can help bridge some of these gaps in certain key sectors. The advertisement will invite applications for inclusion in this targeted register.

Our partner organisations all use, to varying degrees, stand-by arrangements within their own and other organisations to enable them to take on extra staff capacity in the event of a sudden on-set humanitarian emergency. It is our intention that the register will complement these arrangements with the provision of expertise in key sectors of response. In order to ensure a successfully functioning register, it will need to be carefully and professionally managed.

On the enhancement of our partnership with the key humanitarian organisations and mechanisms, proposals have been invited from the UN agencies with whom we have met as well as from our Irish NGOs. While we already provide substantial project-based support to the NGOs for their work in emergencies, I look forward to receiving innovative proposals for support to enhance these organisations' capacity to respond in line with best international practice including working ever more collaboratively in emergency response.

As work on the above progresses, I will provide further updates.

European Council Meetings.

46. **Mr. Gogarty** asked the Minister for Foreign Affairs if he will report on his attendance at the June 2006 EU Council meeting, in particular on developments with the EU Constitution; and if he will make a statement on the matter. [25212/06]

62. **Mr. Coveney** asked the Minister for Foreign Affairs if he will report on his recent attendance at the European Council meeting; and if he will make a statement on the matter. [25127/06]

102. **Mr. Crawford** asked the Minister for Foreign Affairs if he will report on his recent attendance at the June 2006 European Council meeting; and if he will make a statement on the matter. [25144/06]

Minister for Foreign Affairs (Mr. D. Ahern): I propose to answer Questions Nos. 46, 62 and 102 together.

I attended the European Council on 15/16th June in place of the Taoiseach. The Taoiseach reported to the Dáil on the outcome of the Council on Wednesday 21st June.

The June European Council dealt with a wide range of issues, but its main focus was on the European Constitution. The Council had an

extended discussion concerning the fate of the Constitution and the related issue of the Union's future enlargement agenda. There was agreement that more time and further work are needed before firm decisions can be taken on the Constitution.

The European Council did, however, chart the road ahead with regard to the European Constitution. The European Council Conclusions envisage extensive consultations with Member States culminating in a Presidency report in the first half of 2007. It is intended that this report should provide the European Council with the basis for further decisions concerning the European Constitution.

At the same time, the European Council reaffirmed the importance of delivering for the citizen and of pressing ahead with the Union's challenging agenda. That agenda includes the fight against crime and terrorism, dealing with the challenges of energy and climate change and promoting economic growth and job creation under the revitalised Lisbon Agenda.

The European Council supported work already underway to ensure that EU citizens can avail of the consular services of all the Member States around the world. In an important development, the Council agreed to make the way it conducts its business more transparently by doing more of its work in public session. It also welcomed the Commission's recent initiative to improve communication with National Parliaments in relation to legislative and other proposals.

The Council agreed that Slovenia would adopt the euro in January 2007, and commended Lithuania for its progress towards meeting the criteria for membership of the euro group. Slovenia's adoption of the euro is an important illustration of the success of the Union's 5th enlargement.

On enlargement, the Council reaffirmed the Union's intention to honour its existing commitments while, at the same time, ensuring the Union's capacity to continue to function effectively as it enlarges. There is to be a further, in-depth discussion of enlargement at next December's European Council. On the external relations side, the European Council adopted Declarations on the Western Balkans, Iran, Iraq, the Middle East Peace Process, Africa, Lebanon and Timor Leste.

On the Middle East Peace Process, it endorsed the proposed Temporary International Mechanism to channel assistance directly to the Palestinian people, which has been drawn up by the European Commission. The European Community stands ready to contribute a substantial amount to the international mechanism. The European Council urged Iran to give an early positive response to the far-reaching initiative proposed by the EU High Representative, the Foreign Ministers of France, Germany and the

UK, China, the Russian Federation and the United States.

Human Rights Issues.

47. **Mr. Ferris** asked the Minister for Foreign Affairs if a report in a newspaper (details supplied) is accurate. [25202/06]

52. **Mr. Gilmore** asked the Minister for Foreign Affairs the reason the Government has rejected the advice of the Irish Commissioner for Human Rights in relation to inspection of such flights at Shannon Airport as are necessary for full positive compliance with internationally ratified human rights obligations. [25253/06]

Minister for Foreign Affairs (Mr. D. Ahern): I propose to take Questions Nos. 47 and 52 together.

I would refer Deputies to my statement to Dáil Éireann of 13 June 2006, in which I addressed the question of aircraft inspection comprehensively. This statement sets out my clear and precise views at this time on all aspects of the extraordinary rendition issue.

As was also pointed out in my statement, and as conveyed directly to the Irish Commission on Human Rights, we were the first Government, when rumours of extraordinary rendition emerged, to raise with the US authorities our concerns about the matter. We were also the first Government to demand assurances that our territory would not be used for such purposes. To speak of a failure to act — which is the essence of the reference to positive compliance — against such a background of proactive intervention is not reasonable. As we have repeatedly made clear also, An Garda Síochána has the powers it needs to investigate all allegations of illegal activity. And there is no legal bar to the search of civilian aircraft of the type allegedly involved, where there is a basis for doing so.

It remains the Government's position therefore, and we have set this out in detail in ongoing correspondence with the Commission, that we are fully in compliance with our obligations under international law.

Departmental Programmes.

48. **Mr. McCormack** asked the Minister for Foreign Affairs the educational initiatives which are funded by his Department; the location of such initiatives; and if he will make a statement on the matter. [25125/06]

Minister for Foreign Affairs (Mr. D. Ahern): There are a number of programmes within my Department which support educational initiatives. While some of the supported activity takes place within Ireland, most of the monies are

expended on educational initiatives overseas, particularly in the developing countries.

The Department's Reconciliation Fund, which supports organisations involved in promoting improved relations between the two communities in Northern Ireland and between both parts of Ireland, has supported a limited number of educational activities focused on achieving enhanced dialogue and mutual understanding. Grantees in the broad area of education have included the Irish School of Ecumenics and the Integrated Education Fund.

In the areas of conflict resolution and democracy building, the Department has supported a number of educational activities, including the scholarship in memory of the late Swedish Foreign Minister, Anna Lindh, and our contribution to the European Humanities University focused on Belarus. The Department's "Communicating Europe Initiative" has also supported a number of educational activities designed to achieve a better understanding of issues relating to the European Union; these included support to the National Adult Literary Centre for an informational publication on the EU and a case study on Enlargement, published in the printed media, which was circulated to all secondary schools.

As part of the promotion of cultural relations with other countries, my Department makes an annual grant (currently amounting to €254,000) to the Ireland — US Fulbright Commission. This programme, jointly funded by the Irish and United States Governments and in operation since 1957, provides awards to enable postgraduate students, post-doctoral scholars and professionals to study, undertake research and lecture at prominent US third-level colleges. In addition, the Department supports a small number of Irish Studies programmes at, and provides book donations to, selected universities abroad.

As part of the Government's Asia Strategy, the Department funds and administers the Shanghai Internship Programme. As well as attending briefings and seminars on political and economic matters, the participants from Shanghai attend an intensive English language course in Ireland.

The support of education provision has always been a focal point of Ireland's official development aid (ODA) programme, delivered by Irish Aid. The Government's forthcoming White Paper on Development Cooperation will reaffirm our ongoing commitment to education in developing countries — in particular, the emphasis on universal primary education; strengthening the capacity of national systems; and ensuring increased participation of girls and women in the education system.

Irish Aid has supported the strengthening of the education sector in its bilateral development programmes in Lesotho, Zambia, Tanzania, Ethi-

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opia, Uganda, Mozambique, South Africa and Palestine. Supporting educational infrastructure is also an important element of the partnership programmes with the major NGOs that are funded by Irish Aid. On the multilateral level, Irish Aid contributes to a number of development programmes that are focused on education; these include UNICEF, the World Bank's Education for All Fast Track Initiative and activities promoted by the European Development Fund. Irish Aid also supports a fellowship programme for postgraduate students from developing countries.

In Ireland, the Department promotes development education to raise awareness and understanding of the rapidly changing, interdependent and unequal world in which we live. Development Education seeks to engage people in analysis, reflection and action for local and global citizenship and participation. The Department's Development Education Unit is currently engaged in developing a "Linking and Immersion Scheme" for second level schools in Ireland and a programme for engagement between Irish Aid and third level education and research institutions. Both schemes should be rolled out in 2007.

Finally, I might mention that the Department provides support through a "Refund of Fees Scheme" to officers who are pursuing, in their own time, educational courses that are accepted as being relevant to their employment in the Civil Service. A total of 45 Departmental officers are currently availing of this Scheme.

If there are specific aspects of the above educational initiatives and activities on which the Deputy would like more detailed information, I would be happy to arrange for its provision.

Human Trafficking.

49. **Mr. P. McGrath** asked the Minister for Foreign Affairs the steps he will take to cooperate with other countries in order to combat human trafficking and to support the victims of human trafficking; and if he will make a statement on the matter. [25139/06]

66. **Mr. Hayes** asked the Minister for Foreign Affairs the steps he has taken to date in cooperating with other countries in order to combat human trafficking and to support the victims of human trafficking; and if he will make a statement on the matter. [25138/06]

Minister for Foreign Affairs (Mr. D. Ahern): I propose to take Questions Nos. 49 and 66 together.

As stated to the House, most recently on 24 May 2006, the Government is fully committed to the active promotion of full observance of universal human rights standards, and opposes, and

seeks the elimination of, the practice of human trafficking.

The importance of addressing trafficking in persons has been recognised by Ireland and our EU partners. Article 5 of the EU Charter of Fundamental Rights prohibits trafficking in human beings. In 2004 the EU adopted a Council framework decision on combating trafficking in persons. I understand that my colleague, the Minister for Justice, Equality and Law Reform, who has responsibility for the issue domestically and also within the EU, is currently preparing legislation which will criminalise trafficking in human beings for the purpose of their sexual and labour exploitation, as provided for in the Framework Decision.

The Council of Europe last year concluded negotiations on a Convention on Action against Trafficking in Human Beings. This Convention, which was opened for signature at the Third Summit of the Council of Europe in Warsaw on 16 May 2005, aims to prevent and combat trafficking in people in all its forms, national or international, whether or not it is linked with organised crime.

The Organisation for Security and Cooperation in Europe (OSCE), at its Ministerial Meeting in December 2003 in Maastricht, endorsed an Action Plan against Trafficking in Human Beings, and subsequently appointed an OSCE Special Representative, Helga Konrad, whose mandate expired on 9 May 2006. A successor has not yet been appointed.

Europol and the European Police College, CEPOL, organise courses on an EU-wide basis for police forces dealing with investigations into the trafficking of human beings. I understand from my colleague, the Minister for Justice, Equality and Law Reform, that Garda Officers working in the Garda National Immigration Bureau investigating the trafficking of human beings have attended such courses.

Ireland is also a signatory to the UN Convention on Transnational Organised Crime and its two accompanying protocols on prevention, suppression and punishment of trafficking in persons, especially women and children and smuggling of migrants by land, air or sea. The protocol on trafficking not only provides for measures to suppress trafficking, but also measures to protect the victims of trafficking.

Through its participation at international fora such as the United Nations General Assembly, the UN Commission on Human Rights (CHR), the Council of Europe and the OSCE, Ireland has raised its concerns in cooperation with like-minded countries regarding these issues. As a member of the EU, Ireland coordinates with the other EU Member States in these fora. At the meeting of the CHR in Geneva in 2005, Ireland made a national statement condemning the trafficking of people and welcoming the appointment

in 2004 of a Special Rapporteur on Trafficking in Persons. Ireland will continue to support initiatives in this area in the new Human Rights Council which has replaced the Commission on Human Rights.

In addition, my Department has provided over €1.7 million in funding for the ILO and NGO anti-trafficking projects through Irish Aid.

Decentralisation Programme.

50. **Mr. Hayes** asked the Minister for Foreign Affairs the position with regard to a premises to accommodate the decentralisation of Irish Aid; and if he will make a statement on the matter. [25167/06]

Minister for Foreign Affairs (Mr. D. Ahern): Under the Government's decentralisation programme, the Development Cooperation Directorate of the Department of Foreign Affairs, which is the Headquarters of Irish Aid and currently based in Dublin, will decentralise to Limerick.

The Office of Public Works (OPW) is responsible for the provision of office accommodation for the Directorate in Limerick. The OPW has identified a suitable location on Henry Street in Limerick city centre, and has advised my Department that lease terms have been agreed with the developer. The building is scheduled to be ready for occupation by June 2007.

Question No. 51 answered with Question No. 40.

Question No. 52 answered with Question No. 47.

Question No. 53 answered with Question No. 33.

Human Rights Issues.

54. **Mr. S. Ryan** asked the Minister for Foreign Affairs his views on whether the right of access to clean water is a fundamental human right; and if he will make a statement on the matter. [25247/06]

Minister of State at the Department of Foreign Affairs (Mr. C. Lenihan): The Government's programme of development cooperation is based on our commitment to help poor countries achieve the Millennium Development Goals (MDGs). The MDGs set a number of key, measurable development targets to be reached by 2015. The target of halving the population without access to safe drinking water or basic sanitation is one of the MDGs. This is a phenomenal challenge with 1.1 billion people, one in every six, currently without access to safe water. Additionally 2.4 billion people, two in every five, suffer

indignity and disease resulting from poor sanitation.

Irish Aid, the Government's official development programme, recognises adequate water and environmental sanitation both as a fundamental right and as essential for social and economic development. Additionally we believe that they are prerequisites to the achievement of other basic rights, such as the right to health or to the achievement of equal rights for women and children, who currently bear the bulk of the burden associated with the lack of water and sanitation.

In 2005, the Government directly invested some €15 million in improving water and sanitation in sub-Saharan Africa. As the aid programme grows, we will intensify our support for programmes and projects whose objective is the provision of safe water and sanitation.

Northern Ireland Issues.

55. **Ms McManus** asked the Minister for Foreign Affairs the latest timetable for the full re-establishment of the Assembly and the Executive in Northern Ireland; the latest meetings he has had with political parties in the North and with the British Government; when he expects to travel to Northern Ireland for his next round of engagements; the plans the two Governments have for the period immediately following the summer 2006; and if he will make a statement on the matter. [25265/06]

Minister for Foreign Affairs (Mr. D. Ahern): When the Taoiseach and Prime Minister Blair met at Farmleigh on 26 January, they said that 2006 would be the decisive year for the peace process. On 6 April in Armagh, they set out the Governments' joint strategy for achieving a fully functioning Assembly and Executive this year, announcing that the Assembly would meet from 15 May and that Members would be given until 24 November, at the latest, to form an Executive.

In pursuit of this objective, the Taoiseach and I have been engaged in intensive efforts, in conjunction with the British Government, to bring about fully functioning devolved institutions in Northern Ireland. Throughout this period, I have maintained close ongoing contact with Secretary of State Hain and with the political parties in Northern Ireland. Peter Hain and I met in Dublin on 2 May where we jointly chaired the British-Irish Intergovernmental Conference; in London on 2 June at the British-Irish Council Summit and, most recently, in Hillsborough earlier this week on 26 June.

For the first time in over three years, Assembly Members have been engaging with each other over the past few weeks at Stormont. I am accompanying the Taoiseach to Stormont today, where the two Governments will meet with all of the parties to

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take stock of developments, discuss the issues to be addressed and the timeframe for doing so.

We will be stressing that the deadline of 24th November is a firm one and that genuine and frank political engagement between the parties is crucial to addressing any obstacles to power-sharing and making the necessary preparations for government. The parties will need to make good use of the short time available to them so that important decisions affecting the lives of every section of the community can be taken by locally elected politicians. If, despite best efforts, this cannot be achieved, then it would fall to the two Governments to ensure that the Good Friday Agreement is implemented to the fullest possible extent for the benefit of all communities.

Providing all sides are truly committed to working together, I sincerely believe there is no reason why Northern Ireland should not have a First and Deputy First Minister and a power-sharing administration by that date. I hope that parties will continue their discussions over the summer so that the Assembly can quickly conclude work on outstanding issues and finalise their preparations for government in the autumn.

The Government will continue to offer full support to the parties over the coming months, as we have done throughout this process. Secretary of State Hain and I will have an early opportunity to take stock of progress when we meet next month at the British Irish Intergovernmental Conference.

Question No. 56 answered with Question No. 22.

Question No. 57 answered with Question No. 45.

Legislative Programme.

58. **Mr. Morgan** asked the Minister for Foreign Affairs the human rights criteria taken into consideration when he designates countries for the purposes of legislative provisions contained in the Transfer of Execution of Sentences Act 2005. [25203/06]

Minister for Foreign Affairs (Mr. D. Ahern): Section 5 of the Transfer of Execution of Sentences Act 2005 provides that the Minister for Foreign Affairs may, by order, designate for the purposes of that Act a country that has become party to, or has given effect in its laws to, the Additional Protocol to the Convention on the Transfer of Sentenced Persons of 18 December 1997 or the Schengen Convention of 19 June 1990. As the Deputy will be aware, the 2005 Act has not yet come into operation. The designation of any country under Section 5 of the Act has therefore not yet arisen.

However, the action of the Minister for Foreign Affairs in designating a country under Section 5 of the Act would be on the basis that a particular country had become party to, or had given effect in its laws to, one of the two agreements. This would be a factual matter, not requiring a specific assessment of the human rights situation in the country in question.

However, it should be noted that under the Protocol and the Schengen provisions, Parties are not under an obligation to take over the execution of foreign sentences. Even after a country has been designated, the Minister for Justice, Equality and Law Reform has discretion in each particular case as to whether or not to proceed.

Nuclear Plants.

59. **Mr. Neville** asked the Minister for Foreign Affairs if he has raised the issue of the development of a network of nuclear facilities in the United Kingdom with his UK counterpart; and if he will make a statement on the matter. [25130/06]

Minister for Foreign Affairs (Mr. D. Ahern): The UK Government is in no doubt as to the Government's views in relation to the risks posed to Ireland by nuclear facilities on the west coast of Great Britain, including Sellafield and Wylfa. Our views in this regard have been expressed strongly and repeatedly.

Together with my colleague, the Minister for the Environment, Heritage & Local Government, I met with the Secretary of State for Northern Ireland, Mr. Peter Hain, at a British — Irish Council meeting in London, on 2 June. We took the opportunity at that meeting to emphasise that the Government would be strongly opposed to the building of any nuclear plant in Northern Ireland. The Northern Secretary has acknowledged the lack of support for any such move.

As the House is aware, the United Kingdom is currently considering its future energy needs and reviewing its capacity to meet them. As part of this review, a consultation document was launched on 23 January 2006 by the UK Minister of State for Energy. Entitled *Our Energy Challenge: Securing Clean Affordable Energy for the Long Term*, this document states that the review will consider whether nuclear power should continue to be part of the mix of energy supplies for the UK in the future. While the review is not yet complete, Prime Minister Blair has clearly indicated his view that new nuclear builds in the UK should remain very much on the agenda.

The Department of the Environment, Heritage & Local Government, in conjunction with the Radiological Protection Institute of Ireland, engaged in the consultation process relating to the review. The submission made, which covered

a number of issues of concern to Ireland, reiterated the Government's strong opposition to nuclear power in general and to the siting of any nuclear plants on the island of Ireland in particular. We are monitoring the progress of the UK review closely.

Question No. 60 answered with Question No. 19.

Question No. 61 answered with Question No. 8.

Question No. 62 answered with Question No. 46.

Northern Ireland Issues.

63. **Mr. Rabbitte** asked the Minister for Foreign Affairs his views on the latest report of the Policing Oversight Commissioner in Northern Ireland; if he shares the Commissioner's concern regarding the proposed primacy of MI5 in certain security matters in Northern Ireland; and if he will make a statement on the matter. [25263/06]

Minister for Foreign Affairs (Mr. D. Ahern): The 16th report of the Policing Oversight Commissioner issued earlier this month was an encouraging reminder of the progress that has been made in the reform of policing in Northern Ireland. Some 124 of the 175 Patten recommendations have been fully implemented. Most importantly, the primary institutions of policing — the Policing Board, the PSNI and the Police Ombudsman — are found to have largely accomplished the implementation of Patten. Of the issues that remain to be resolved, the most important is the issue of full community and political support for the Police.

Referring to the decision of the British Government to transfer primacy for national security matters to MI5 from 2007, the Oversight Commissioner expresses concern that this might diminish the robust accountability mechanisms currently in place and might affect the ability of the Police Service to combat organised crime effectively.

These concerns are shared by the Government. Discussions have taken place between my officials and their British counterparts with a view to ensuring that adequate accountability mechanisms remain in place, and that the Police Ombudsman continues to have jurisdiction over the actions of police officers seconded to MI5. Protocols are currently being agreed between the office of the Ombudsman and the security service to facilitate this.

I also raised this issue with the Secretary of State, Peter Hain MP at the meeting of the British-Irish Inter-Governmental Conference in May. The British Government indicated that it is prepared to discuss further with the political parties

in Northern Ireland and with the Irish Government the exact details as to how the new arrangements will work in practice.

The broader issue of how the new arrangements will work in the context of the devolution of Policing and Justice will be a matter requiring discussion involving all of the political parties in Northern Ireland.

Question No. 64 answered with Question No. 42.

Question No. 65 answered with Question No. 11.

Question No. 66 answered with Question No. 49.

Human Rights Issues.

67. **Mr. M. Higgins** asked the Minister for Foreign Affairs his views on the closure of Guantanamo Bay prison camp, which was called for at a recent meeting of European Union Foreign Ministers; and if he will make a statement on the matter. [25234/06]

82. **Mr. Deasy** asked the Minister for Foreign Affairs the position of his Department with regard to the continued use of Guantanamo Bay detention centre by the US administration; and if he will make a statement on the matter. [25164/06]

147. **Mr. Allen** asked the Minister for Foreign Affairs if he has had recent contact with his US counterpart with regard to the continued use of the Guantanamo Bay detainment camp by the US administration; if he has conveyed his concerns to the US administration with regard to the holding of detainees at the camp; and if he will make a statement on the matter. [25456/06]

Minister for Foreign Affairs (Mr. D. Ahern): I propose to take Questions Nos. 67, 82 and 147 together.

I have made it clear that I believe that the Guantánamo Bay camp should be closed as soon as possible. More generally, the Government has raised the issue of the detainees in Guantánamo Bay with the US Authorities on numerous occasions. This was done at the highest level when the Taoiseach, accompanied by myself, raised our concerns with President Bush in Washington on 17 March 2006.

We have always made it clear that we believe that they must be treated in accordance with the requirements of international human rights law and international humanitarian law. This position is shared by the EU as a whole and these views were expressed at the recent EU-US Summit which took place in Vienna on 21 June 2006. The EU side urged that the detainees be either

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charged or released and that Guantanamo be closed. President Bush stated his intention ultimately to close the facility, which I welcome. I would urge the US administration to move to do so rapidly.

Question No. 68 answered with Question No. 17.

Democratisation Process.

69. **Mr. Howlin** asked the Minister for Foreign Affairs if it proposed to send observers to the forthcoming elections in the Democratic Republic of the Congo; and if he will make a statement on the matter. [25244/06]

Minister for Foreign Affairs (Mr. D. Ahern): The EU will be deploying a 250-strong Electoral Observation Mission (EOM) to the forthcoming presidential and parliamentary elections scheduled to take place in the Democratic Republic of the Congo (DRC) on 30 July 2006. These will be the first multi-party elections in the DRC in over forty years and their successful conduct is absolutely critical to the consolidation of peace and security in the DRC and in the Great Lakes region as a whole.

The EU, including Ireland, is providing the bulk of the financial support towards the cost of the elections with total EU financial support amounting to some €235 million. Ireland has contributed €1.3 million in financial support towards the cost of the elections, including a recent contribution of €800,000 to the South African Independent Electoral Commission which is assisting in the logistical organisation and oversight of the elections.

The observer mission being deployed by the EU to the DRC will constitute the largest EU EOM ever deployed. It will also be by far the largest international election observation mission deployed to the DRC to cover the July 30 elections. Deployment of the mission's core team has already begun and ninety long term observers (LTOs) are due to begin deployment on June 27. The EU EOM will be headed by General Morillon, a Member of the European Parliament. Two observers from Ireland will serve with the mission as long term observers and they are due to deploy to the DRC by mid-July.

Question No. 70 answered with Question No. 11.

Question No. 71 answered with Question No. 28.

Question No. 72 answered with Question No. 21.

Departmental Recruitment.

73. **Mr. Wall** asked the Minister for Foreign Affairs the date of the last open competition for recruitment into his Department; the arrangements being made for recruitment to Irish Aid; and the position in relation to future recruitment into his Department. [25241/06]

Minister for Foreign Affairs (Mr. D. Ahern): I presume that the main part of the Deputy's question relates to recruitment to the diplomatic service. Third Secretary is the recruitment grade for the service, and is the first step towards more senior posts in the Department. Competitions for Third Secretary posts are conducted on the Department's behalf by the Public Appointments Service (PAS). The minimum educational requirement is a first or second class honours degree in any faculty. Candidates are also expected to demonstrate a wide range of skills and qualities in the course of the selection process. Detailed information about the Third Secretary competition is available on the PAS website www.publicjobs.ie. The last Third Secretary competition was advertised in January, 2005. I anticipate that the next competition will be launched in the latter part of this year.

The Deputy also asked about recruitment to posts in Irish Aid. There are currently no firm plans to recruit new specialists to the Department's Irish Aid Directorate, which is moving to Limerick as part of the Government's decentralisation programme. Discussions are on-going with representatives of the specialists, with their union IMPACT and with the Department of Finance about the conditions of service that will be applicable to specialists transferring with the Directorate to Limerick, and to those that choose to remain in Dublin. These are issues which, of course, also have a wider Civil Service dimension.

The Department of Foreign Affairs from time-to-time also recruits by open competition to fill some or all vacancies arising in a number of other grades. These include: Accountant/Auditor; Architectural Assistant; Assistant Legal Adviser; Deputy Legal Adviser; Legal Adviser; Clerical Officer; Clerical Officer (temporary); Executive Officer; Librarian; Night Watch Person; Services Officer; Cleaner; Stagiaire; Translator and various ancillary grades at Irish diplomatic, consular and aid missions. With the exception of posts attached to Irish missions, most of the competitions are conducted on the Department's behalf by the Public Appointments Service. If the Deputy would like to specify any areas in which he is particularly interested, I would be happy to provide him with further information.

Development Aid Principles.

74. **Mr. Wall** asked the Minister for Foreign Affairs if the European Union cotton regime is

consistent with good development aid principles; and if he will make a statement on the matter. [25242/06]

Minister of State at the Department of Foreign Affairs (Mr. C. Lenihan): The EU in recent years has taken a number of important actions to achieve fairer conditions in the international cotton trade, which has been marked by a prolonged decline in prices over the last decade.

The actions include improved access to EU markets for cotton-exporting Least Developed Countries (LDCs) following the Union's 2001 Everything But Arms Initiative. Furthermore, in April 2004, under the Irish Presidency, the Agriculture and Fisheries Council agreed on a substantial reform of its own regime of domestic subsidies in cotton. This decision greatly reduced the trade distorting impact of the EU's cotton support arrangements, and thus helped to improve coherence within the EU's development policy. It paved the way for the adoption by the General Affairs and External Relations Council, later in April 2004, of a proposal for an EU-Africa Partnership in support of cotton sector development, and subsequently the establishment of an EU-Africa Partnership on Cotton at the Forum on Cotton held in Paris on 5-6 July 2004.

The Paris Forum saw agreement on an Action Plan on cotton with seven major areas of focus, including international trade and development of national and regional strategies. The Action Plan, which is implemented through a number of coordination forums and mechanisms, is a cornerstone in the EU-Africa Partnership on Cotton. It has helped to improve the organisation of the African cotton sector and has also led to an intensification of EU development assistance to the cotton sector. Implementation of the Partnership can be expected to receive a significant stimulus over the next year, as EU funding becomes available for operational projects and programmes.

Within the WTO negotiations, the EU is fully committed to deliver on the agreements reached with the LDCs on the cotton issue. Earlier this month, the Union, following consultations with its African partners, tabled a proposal on cotton at the WTO aimed at enhancing trade opportunities for cotton exporting countries.

Common Foreign and Security Policy.

75. **Dr. Twomey** asked the Minister for Foreign Affairs the position with regard to security and defence cooperation at European Union level; and if he will make a statement on the matter. [25135/06]

113. **Mr. English** asked the Minister for Foreign Affairs the latest discussions he has held with his European counterparts with regard to cooperation in the matter of security and defence; and

if he will make a statement on the matter. [25136/06]

Minister for Foreign Affairs (Mr. D. Ahern): I propose to take Questions Nos. 75 and 113 together.

The European Security and Defence Policy (ESDP) is an integral part of the Common Foreign and Security Policy (CFSP) and serves the Union's general objectives of peace and stability. These objectives and the provisions governing ESDP are set out in the Treaties of Amsterdam and of Nice, which were approved by referendum. In this context, the European Union is increasing its ability to contribute to both the civilian and military dimensions of crisis management.

As I have previously emphasised, it is important to distinguish between the ESDP, which continues to develop, and the possibility of a common defence. Any move to a common defence would be for decision by the European Council acting unanimously and in accordance with Member States' constitutional requirements. At present, there are no proposals for such a move. In any event, Ireland's position is clear. The amendment to Art 29 of Bunreacht na hÉireann in October 2002 precludes Ireland from participating in a common defence. As a consequence, the Irish people would have to amend Bunreacht na hÉireann before Ireland could take part in a common defence.

The Union is continuing to develop its capabilities for crisis management, both military and civilian. The objectives which it has set itself are clearly set out in the (military) Headline Goal 2010 and the Civilian Headline Goal 2008. There are ten ESDP crisis management missions currently underway, both civilian and military, some of which combine both military and civilian elements. The civilian missions range from police and rule of law advisory and training missions, assistance to security sector reform, border monitoring missions and ceasefire monitoring missions. The main ongoing military mission has been the peace stabilisation mission in Bosnia-Herzegovina (EUFOR Althea).

Additionally, on 12 June 2006, the EU launched a military crisis management mission, at the request of the UN, to provide support for the UN Mission in the Democratic Republic of the Congo (MONUC) during the forthcoming electoral period there. An EU Planning Team has also been deployed to Kosovo in recent weeks to prepare for a possible rule of law advisory mission in that country.

I met my EU counterparts at the General Affairs and External Relations Council on 15-16 May, where we discussed a range of issues including civil military co-ordination, security sector reform in the Western Balkans and emergency and crisis response. I also represented the

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Taoiseach at the European Council on 15-16 June, where conclusions on improving the EU's emergency and crisis response capabilities were agreed and the Austrian Presidency report on ESDP was endorsed.

Foreign Conflicts.

76. **Ms Burton** asked the Minister for Foreign Affairs if he will report on recent developments in relation to the incarceration and trial of opposition members in Ethiopia. [25235/06]

Minister for Foreign Affairs (Mr. D. Ahern): On 23 February 2006, the trial began of a group of 129 people, including members of the Coalition for Unity and Democracy (CUD), journalists and civil society activists. Several of the CUD members on trial were elected to public office in May 2005. The Ethiopian authorities claim that the group was responsible for launching and organising the June and November 2005 riots, as part of an agenda to overthrow the Government by force. They were charged as a group with treason, genocide and inciting violence. Although the Ethiopian penal code provides that the death sentence may be imposed in cases of treason and genocide, a moratorium on executions has been in operation since 1998 and is expected to continue.

Ireland, along with our EU partners, has underlined to the Ethiopian Prime Minister the need for the trial to be conducted in a transparent, fair and speedy manner in accordance with international standards. We also called for the release of the detainees on bail as a confidence building measure and for better access to detainees by families, lawyers and the international community. These points were reiterated when the Chairman and members of the Oireachtas Joint Committee on Foreign Affairs met the Prime Minister in Addis Ababa on 4 May 2006. The Oireachtas delegation also visited the prison where the detainees are held and met with two detained members of the CUD leadership and a civil society representative.

The Prime Minister has agreed to an EU request for international observation of the trial and a distinguished international lawyer, Mr Michael Ellmann, is observing the trial on behalf of the EU. EU Embassies in Addis Ababa, including Ireland, are also monitoring developments. While bail has not been approved, the Prime Minister has indicated that the Ethiopian authorities will do everything they can to ensure the expeditious completion of the trial. It is anticipated that it may end in December 2006.

On 22 March 2006, all charges were withdrawn against 18 of the detainees, including 9 being tried in absentia, and the prosecutor was instructed by the court to amend the genocide charge to "at-

tempted genocide." The trial of the remaining defendants has continued during June. The prosecution is currently showing video evidence.

I myself will travel to Ethiopia from 5-8 July where I will meet with Prime Minister Meles Zenawi and Foreign Minister Seyoum Mesfin. I plan to also visit the detained CUD leaders and civil society representatives. I will press the Prime Minister to reconsider granting bail to those detained in relation to this case, particularly Mr Daniel Bekele and Mr Netsanet Demissie, both civil society activists, and Ms Serkalem Fasil, a publisher, who recently gave birth to a son in prison. I am also concerned by reports that several detainees are suffering from illness due to their conditions of detention.

Arms Trade.

77. **Mr. Broughan** asked the Minister for Foreign Affairs if he has raised with the Chinese Government the Amnesty Report suggesting that China has sold weapons to conflicts in Sudan, Burma and Nepal; and if he will make a statement on the matter. [25236/06]

Minister for Foreign Affairs (Mr. D. Ahern): I understand that the report, referred to by the Deputy, was only released on 11 June 2006. It is still being studied by my Department. While I could not, therefore, have raised the Report with my Chinese counterpart, Minister Li, when we met on 12 May in Beijing, I did discuss the broader question of the internal conflict in Sudan. Minister Li emphasised China's support for the Darfur Peace Agreement and agreed on the need for all parties to be brought on board as quickly as possible.

Ireland, together with its partners in the EU, fully supports the current UN arms embargo on both government and non-government forces in Darfur.

I also conveyed to the Chinese Foreign Minister the Government's deep concern about the situation in Burma and urged the Chinese Government to use its good offices with the Burmese Authorities, including in relation to the position of Aung San Suu Kyi. I should add that Ireland recently backed the renewal of the EU arms embargo against Burma, which was renewed for a further year.

I welcome recent positive developments in Nepal and trust that they represent an important step towards full democracy and sustainable peace in Nepal. There is, I might add, no arms embargo in place against Nepal.

Foreign Conflicts.

78. **Mr. Kehoe** asked the Minister for Foreign Affairs the political and security situation in Iraq; and if he will make a statement on the matter. [25169/06]

Minister for Foreign Affairs (Mr. D. Ahern):

On 21 May, the Iraqi Parliament approved the new national unity Government presented by Prime Minister Nuri Al-Maliki. The formation of the Government was completed when the crucial positions of Defence, Interior and National Security Ministers were filled on 8 June. The new Cabinet is very broadly based, and it includes the main parties representing the Sunni community. This is a welcome and significant step forward for Iraq and for its people. It has been warmly welcomed by the European Union. Iraq now has a fully sovereign and democratic Government and Parliament, mandated for four years. The political transition process set out in United Nations Security Council Resolutions has been completed.

There is no doubt that the Iraqi Government now faces major political, economic and security challenges. However, perhaps for the first time in its history, Iraq has a democratic Government representing all of its people, which was freely chosen by them. We recognise this very significant achievement, which required the engagement of all the major political parties in Iraq. The all-party Iraqi delegation which visited Ireland last week provided impressive evidence of the courage and determination of the Iraqi people as they work to rebuild their country following decades of dictatorship and war.

The Government and its EU partners remain firmly committed to supporting the Iraqi people in restoring security and prosperity to their country. Since 2003, the EU has provided over €700 million in assistance for the reconstruction of Iraq. At its meeting on 16 June, the European Council adopted a Declaration on Iraq, which stressed that continuing EU support will be delivered in partnership with the new Government, and in line with its priorities.

The serious campaign of violence which forms the background to this political progress remains a matter of grave concern. Iraqi citizens are being targeted in openly sectarian bomb attacks, kidnappings and shootings, which continue to take a terrible toll of deaths and serious injuries. Despite their refusal to be provoked into large scale civil strife, the evidence is that sectarian retaliation and violence have unfortunately been rising steadily. It appears that, in some areas, minority communities are reacting by moving to areas where they feel more secure. It is probably still too early to form a judgement on whether the death of Abu Musab Al Zarqawi, the leader of Al Qaeda in Iraq, will affect the overall security situation.

The EU is supporting the Iraqi Government in its efforts to establish the rule of law and a culture of respect for human rights. It is also working with the Iraqi authorities, with the United Nations, and with the Arab League to support the national reconciliation process. I hope that the

national reconciliation plan which Prime Minister Al-Maliki presented to Parliament on 25 June will mark an important development in this process.

Question No. 79 answered with Question No. 42.

Question No. 80 answered with Question No. 11.

Question No. 81 answered with Question No. 20.

Question No. 82 answered with Question No. 67.

Question No. 83 answered with Question No. 26.

Human Trafficking.

84. **Mr. Bruton** asked the Minister for Foreign Affairs the meetings he has held with his counterparts from EU and non EU Member States to discuss tackling human trafficking; and if he will make a statement on the matter. [25122/06]

96. **Mr. Kehoe** asked the Minister for Foreign Affairs if he has discussed the issue of human trafficking with his counterpart Foreign Ministers across the European Union; and if he will make a statement on the matter. [25140/06]

Minister for Foreign Affairs (Mr. D. Ahern): I propose to take Questions Nos. 84 and 96 together.

Human trafficking is an important issue for the European Union. It was mentioned in the conclusions of this month's European Council, having previously been discussed at the Justice and Home Affairs Council. The matter came before the General Affairs and External Relations Council, which examined the draft conclusions of the European Council.

My colleague, the Minister for Justice, Equality and Law Reform has primary responsibility in this area, as it is first and foremost a criminal justice matter. I see human trafficking as a matter of considerable priority which demands an effective response at EU level and, for that reason, I have raised it with European Union counterparts. I will continue to use relevant bilateral meetings to highlight our concerns on this important issue.

Foreign Conflicts.

85. **Mr. Eamon Ryan** asked the Minister for Foreign Affairs the Government's views on whether the British and American Governments' interpretation of UN resolutions which both Governments assert gave UN sanction to military attacks on Iraq were valid interpretations; and if

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he will make a statement on the matter.
[25213/06]

Minister for Foreign Affairs (Mr. D. Ahern):

On the outbreak of the war in Iraq, the Taoiseach moved a motion which was adopted by the Dail on 20 March 2003, which reaffirmed Ireland's commitment to the United Nations as the guarantor of collective global security and the appropriate forum for the resolution of disputes threatening international peace and security. In his statement to the House, the Taoiseach acknowledged that there was no clear legal consensus on whether there was a mandate for the use of force against Iraq, based on previous Security Council resolutions. He noted that the arguments put forward by the coalition asserting the existence of a mandate were also supported by a number of countries which were not participating in the military action. However, he made clear the Government's position that Ireland would not participate in the military campaign without an explicit further Security Council mandate. This remains the Government's position on the circumstances of the invasion in 2003.

In relation to current military activity, it is clear that the international forces now serving in Iraq are operating under UN mandate, and at the request of the democratically-elected Iraqi Government. The presence of the Multi-National Force in Iraq was authorised by the UN Security Council in Resolution 1511 of October 2003. The authorisation was reaffirmed in Resolution 1546 of June 2004, and was extended to the end of 2006 by Resolution 1637, which was adopted unanimously by the Security Council in November 2005.

Question No. 86 answered with Question No. 22.

87. **Mr. P. McGrath** asked the Minister for Foreign Affairs the political and security situation in Afghanistan; and if he will make a statement on the matter. [25168/06]

160. **Mr. Durkan** asked the Minister for Foreign Affairs the extent to which the international community is in a position to monitor the situation in Afghanistan; and if he will make a statement on the matter. [25474/06]

Minister for Foreign Affairs (Mr. D. Ahern): I propose to take Questions Nos. 87 and 160 together.

The significant progress achieved in Afghanistan over the past four years should be acknowledged, although clearly considerable challenges still remain. The Afghan people have elected a President and Parliament and have a legitimate elected Government which is working

to consolidate the progress that has been made. For the first time, issues of national importance are openly debated in Parliament giving the Afghan people, through their elected representatives, the opportunity to make their concerns heard. The reform process is continuing, with the assistance of the international community, across all sectors, including the police service, the Afghan National Army and the judicial system.

In any country, developing the democratic structures, institutions and administrative systems necessary to provide essential public services and ensure a secure environment for all is a process that takes time. Ensuring security in Afghanistan is an especially challenging and complex task, particularly given the presence of violent factions who stand to benefit considerably from a destabilised country. The security situation remains a cause of serious concern. Levels of insurgency-related violence have risen since the beginning of the year and attacks, including suicide bombings, aimed at the International Security Assistance Force (ISAF), other international security forces and Afghan security forces, have increased.

The Afghan National Army (ANA) and international security forces have been engaged in heavy fighting with Taliban insurgents in Kandahar, Helmand, Uruzgan and Zabul provinces in the Southern part of the country in recent weeks. Such fighting is expected to continue over the summer months as the ANA and international forces expand their operations into remoter areas in the South. The UN-mandated ISAF, which at present has some 9000 troops providing security assistance in Kabul and the North and West, is currently expanding its operations to Southern Afghanistan. The expansion will involve the deployment of an additional 7000 troops and will assist the Afghan Government in extending its authority across the country. The further expansion of the ISAF will clearly be of assistance to the international community in continuing to closely monitor the situation there.

The illicit narcotics industry remains a major challenge to the long-term security, development and effective governance of Afghanistan. Counter-narcotics was identified as a priority area in the EU-Afghanistan Joint Declaration signed on 16 November 2005. The Afghan Government operates a Counter Narcotics Implementation Plan and a National Drugs Control Strategy in an effort to work towards elimination of the narcotics trade. The UN Office on Drugs and Crime, in its 2006 World Drug Report published this week, has reported that the area under opium poppy cultivation in Afghanistan decreased by 21% from 2004 to 2005.

An Afghanistan Compact was launched at the International Conference on Afghanistan in London on 31 January/1 February and was endorsed by the United Nations Security Council

in Resolution 1659 (2006) on 15 February. The Compact will guide the joint efforts of the Afghan Government and the international community in meeting outstanding challenges across three pillars of activity: security; governance; rule of law and human rights, and economic and social development. Counter-narcotics was identified as a cross-cutting priority in the Compact. The Compact notes that Afghanistan's transition to peace and stability is not yet assured and that strong international engagement will be required to address remaining challenges.

I am pleased that Ireland was in a position to pledge €5 million at the launch of the Compact. This new pledge, which will be expended over the next two years, reflects Ireland's continuing commitment to supporting the reconstruction and reform process underway in Afghanistan. Including this new pledge, Ireland has contributed a total of €22 million to reconstruction and recovery programmes in Afghanistan since January 2002.

There are a number of mechanisms in place to facilitate international monitoring of the situation in Afghanistan. Participating countries in ISAF, which includes a small Irish presence of seven Defence Force personnel, are on the ground to discharge their mandate and to monitor the situation. From an EU perspective, an important role is played by the EU Special Representative for Afghanistan, Mr. Francesc Vendrell, whose Office in Kabul provides regular briefings to Member States on developments in the country. The Deputy to the EUSR is an Irish national. The EUSR's Office, together with the European Commission, actively participates in the Joint Coordination and Monitoring Board, a body established by the Afghan Government and the international community to oversee the implementation of the Afghanistan Compact. UN Secretary-General Kofi Annan provides periodic reports to the UN Security Council on the situation in the country. The Special Representative of the Secretary-General (SRSG) for Afghanistan, Mr. Tom Koenigs, and the United Nations Assistance Mission in Afghanistan (UNAMA), also play an important role in monitoring the situation in Afghanistan.

Question No. 88 answered with Question No. 25.

Question No. 89 answered with Question No. 16.

Diplomatic Representation.

90. **Mr. Stanton** asked the Minister for Foreign Affairs if his Department has paid court-imposed bond for an Irish citizen in 2006; the number of Irish people for whom his Department has paid a

court-imposed bond since 1997; and if he will make a statement on the matter. [25117/06]

105. **Mr. Allen** asked the Minister for Foreign Affairs if his Department has paid a court-imposed bond for an Irish citizen in 2005; the number of Irish people for whom his Department has paid a court-imposed bond since 1997; and if he will make a statement on the matter. [25118/06]

Minister for Foreign Affairs (Mr. D. Ahern): I propose to take Questions Nos. 90 and 105 together.

As I outlined in my reply of 24 May 2006 to a parliamentary question on this issue, consular assistance is provided by the Department of Foreign Affairs in a wide variety of circumstances, with each situation being assessed on a case-by-case basis, having regard to all the factors involved.

Since 1997, an advancement of the funds by the Department in a court bond context occurred in the case of three Irish citizens in Columbia. In this particular consular case, the court judgment permitted the three citizens to be released from prison on payment of a bond. My Department, at the request of the Defence team, and given the on-going consular concerns about the safety of the persons concerned, advanced the funds to facilitate the payment of this bond on the basis of a firm undertaking to repay the sum involved. The funds were repaid in full. The decision to advance funds was taken by the Department in pursuit of its consular responsibilities, and was neither discussed nor taken at political level.

Human Rights Issues.

91. **Ms Enright** asked the Minister for Foreign Affairs the level of contact between the Government and the regime in Cuba; if he has communicated his concern at human rights abuses in Cuba to the Ambassador of Cuba to Ireland; and if he will make a statement on the matter. [25128/06]

Minister for Foreign Affairs (Mr. D. Ahern): The EU's policy on Cuba is as set out in the Common Position agreed on 2 December 1996, during the then Irish Presidency. The General Affairs and External Relations Council reaffirmed the Common Position's validity on 12 June 2006. The Council's Conclusions on Cuba, which were also adopted on 12 June 2006, reiterated that constructive engagement remains the basis of the EU's policy with the ultimate aim being to encourage a process of transition to pluralist democracy in Cuba.

Of particular concern has been the staging since July 2005 of several dozens of acts of violent harassment and intimidation, including "acts of repudiation" whereby activists have been mal-

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treated, expelled from their dwellings and beaten up. There are reports that some acts of repudiation are taking place with the collusion of the police and security forces.

Notwithstanding these disappointing actions, Ireland, with our EU partners, will continue to persevere with our policy of constructive engagement with Cuba, with a view ultimately to seeing the aims of the Common Position achieved. The issue of human rights is raised consistently in all our bilateral contacts with the Ambassador of Cuba.

Question No. 92 answered with Question No. 22.

93. **Mr. Cuffe** asked the Minister for Foreign Affairs the circumstances surrounding the transporting of a handcuffed US Marine through Shannon Airport without the necessary permission being obtained by the US from the authorities here; the subsequent discussions he has had with the US Authorities regarding this incident; and if he will make a statement on the matter. [25209/06]

114. **Mr. Coveney** asked the Minister for Foreign Affairs the latest contacts he has had with the US Ambassador with regard to the transport of a US Marine through Shannon Airport without the correct notification to the Government; and if he will make a statement on the matter. [25156/06]

Minister for Foreign Affairs (Mr. D. Ahern): I propose to take Questions Nos. 93 and 114 together.

I would refer the Deputy to my statement in Dáil Éireann of 13 June 2006, where I gave the House a detailed account of the matter to which the Deputies' questions refer, and to my reply to today's priority question on the same matter. On the basis of discussions which my officials and I have had with the US authorities, I have no reason to believe that this was other than an isolated incident which arose from an administrative error. At my meeting with him on 12 June, the US Ambassador conveyed his deep regret for the breach of procedures, and confirmed his authorities' determination that the use of Irish airspace and airports by the US be completely transparent and in conformity with Irish law and the wishes of the Government.

Officials from my Department have met with officials from the US Embassy to discuss this matter subsequently, most recently on 20 June 2006. I am awaiting a written report on the matter from the US Embassy. In addition, to ensure that appropriate steps are taken to prevent any recurrence of this incident, we are engaging in further

discussion on all aspects of the issue with the US authorities.

As I have previously emphasised, this incident is quite distinct from the question of extraordinary rendition, and I remain confident of the continuing validity and weight of the clear assurances repeatedly given to us by the US authorities in that context.

Decentralisation Programme.

94. **Mr. Deasy** asked the Minister for Foreign Affairs the reason the decentralisation of Irish Aid will take place on a phased basis; and if he will make a statement on the matter. [25170/06]

99. **Mr. Noonan** asked the Minister for Foreign Affairs the timescale for the decentralisation of divisions within his Department; and if he will make a statement on the matter. [25158/06]

104. **Mr. Gogarty** asked the Minister for Foreign Affairs the progress which has been made in the decentralisation of his Department's overseas aid division, Irish Aid; and if he will make a statement on the matter. [25211/06]

115. **Mr. Ring** asked the Minister for Foreign Affairs the number of staff, working with Irish Aid, volunteering to decentralise; and if he will make a statement on the matter. [25162/06]

122. **Ms Burton** asked the Minister for Foreign Affairs if he will report on the decentralisation of his Department and its overseas aid division, Irish Aid; if he will clarify reported remarks that his Department are pursuing a very strong integrationist agenda and that the decentralisation of Irish Aid will take place on a phased basis; and if he will make a statement on the matter. [24945/06]

Minister of State at the Department of Foreign Affairs (Mr. C. Lenihan): I propose to take Questions Nos. 94, 99, 104, 115 and 122 together.

Under the Government's decentralisation programme, the Development Cooperation Directorate of the Department of Foreign Affairs, which is Irish Aid's Headquarters and currently based in Dublin, will decentralise to Limerick. Already, a total of 37 posts in Irish Aid Headquarters, including that of Director General, are filled by officers who have signalled their intention to decentralise to Limerick. A further fifteen officers are expected to take up duty at headquarters by early September and six officers serving elsewhere in the Department, mostly abroad, have also applied to decentralise to Limerick. The above total of 58 represents some 47% of the posts being transferred to Limerick.

It is expected that the move will take place in mid-2007. With any move of 124 staff, manage-

ment concerns would dictate that the move be carried out in a manner that will minimise disruption. This may mean that there is some phasing of the move over a relatively short period of time.

Irish Aid's development assistance programme will remain an integral part of the foreign policy of the Government of Ireland. Development co-operation policy is rooted in our foreign policy, in particular its objectives of peace and justice and reflects our long-standing commitment to human rights and fairness in international relations and as such is inseparable from Irish foreign policy as a whole.

Human Rights Issues.

95. **Dr. Upton** asked the Minister for Foreign Affairs the position in relation to the continuing struggles for independence of the Sahara Arab people; the assistance Ireland has offered or will offer in this regard; and if he will make a statement on the matter. [25245/06]

Minister for Foreign Affairs (Mr. D. Ahern): The Government has consistently been a strong supporter of the right to self-determination of the Saharawi people. Ireland played a prominent role in seeking a solution to the Western Sahara dispute during its term on the UN Security Council. The Government has remained closely engaged with the issue, particularly in discussions at EU level and at the United Nations.

Although there has been little progress towards its implementation, the Government continues to believe that the Baker II plan, which was recommended to the parties by the UN Security Council in July 2003, represents the best framework yet presented for a negotiated settlement. The plan envisages a preparatory phase under UN supervision, leading to a referendum to determine the future of the territory. It is clear that a genuine exercise of the right of self-determination must include independence as one possible outcome, but the Government has no views on what the outcome should be. This is a matter for the Saharawi people. The Government strongly supports the continuing role of the UN in working to bring the parties towards an agreement, under the Special Representative of the Secretary General, Mr. Peter Van Walsum.

Question No. 96 answered with Question No. 84.

Question No. 97 answered with Question No. 26.

International Criminal Court.

98. **Mr. English** asked the Minister for Foreign Affairs the number of signatories to the charter of the International Criminal Court; and if he will make a statement on the matter. [25165/06]

Minister for Foreign Affairs (Mr. D. Ahern): The Rome Statute of the International Criminal Court entered into force on 1 July 2002 and to date has been ratified or acceded to by 100 states. An additional 43 states have signed the Statute, subject to ratification. The Rome Statute has been ratified by all but one of the EU Member States.

Together with our partners in the European Union, Ireland has been a consistent and strong supporter of the ICC, recognising it as an essential means to combating impunity for the most serious violations of international humanitarian and human rights law. This position has been recognised in the EU Common Position last updated in June 2003.

The 2003 Common Position commits the Union and its Member States to support the effective functioning of the Court, and to advance universal support for it by promoting the widest possible participation in the Rome Statute. In February 2004 a detailed Action Plan on the implementation of the 2003 Common Position was adopted under the auspices of the Irish Presidency of the EU.

Over the past six months the Austrian Presidency, on behalf of the EU, has carried out 19 demarches on the issue of the ICC, raising ratification of the Rome Statute with China, Turkey, Egypt, Morocco, Vietnam and Indonesia, amongst others. In addition to their efforts to promote ratifications, the EU and its Member States have been generous supporters of initiatives to promote the Court in third states, as well as to strengthen the capacity of states to cooperate with the Court. For example, in May of this year, Ireland participated in a two-day conference aimed at promoting ratification of the ICC among members of the Commonwealth of Independent States (an association comprising Russia and 11 other republics that were formerly part of the Soviet Union). The conference, held in Salzburg, Austria, was attended by representatives from the Russian Federation, Belarus, Ukraine, Kazakhstan, Turkmenistan, Moldova, Armenia, and Kyrgyzstan, all of which have yet to ratify the Rome Statute.

Question No. 99 answered with Question No. 94.

Diplomatic Representation.

100. **Aengus Ó Snodaigh** asked the Minister for Foreign Affairs if his attention has been drawn to the case of a person (details supplied); his views on the incarceration of this person; and if he will ask the United States authorities to release them. [25198/06]

Minister for Foreign Affairs (Mr. D. Ahern): I am aware that Leonard Peltier is a US citizen

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who was convicted in 1977 of the murders of two FBI Agents and was sentenced to two consecutive terms of life imprisonment. I also understand that a campaign has been mounted over the years seeking to overturn this conviction. I do not propose to make representations on this case.

Question No. 101 answered with Question No. 26.

Question No. 102 answered with Question No. 46.

Question No. 103 answered with Question No. 38.

Question No. 104 answered with Question No. 94.

Question No. 105 answered with Question No. 90.

Undocumented Irish Emigrants.

106. **Mr. Perry** asked the Minister for Foreign Affairs the efforts being undertaken to support legislative proposals in the United States which would benefit the undocumented Irish; and if he will make a statement on the matter. [25166/06]

Minister for Foreign Affairs (Mr. D. Ahern): The Government attaches the highest priority to the welfare of the undocumented Irish in the United States. We emphasise our strong support for measures that would enable the undocumented to regularise their status and have open to them a path to permanent residency in all of our dealings with contacts in the US Administration and Legislature.

The Taoiseach and I raised this issue with President Bush when we met with him on St. Patrick's Day. The President helpfully assured us of his support for a comprehensive approach to immigration which advances reforms, as well as addresses enforcement issues. This is an approach which he has endorsed strongly on a number of occasions since then.

In view of the prominence of immigration reform on the legislative agenda in the US, I returned to Washington D.C. on 23rd and 24th May to reiterate to key legislators the importance which the Government attaches to the welfare of the undocumented Irish.

I also availed of the opportunity of that visit to meet again with the Irish Lobby for Immigration Reform (ILIR), an organisation which is proving most effective in representing the views of many Irish people resident there and which the Government has been happy to support financially. ILIR continue to be active on the ground, including in meetings yesterday in Washington

D.C. when they were joined by a number of Members of the Oireachtas.

The positive approach to immigration reform which is favoured by President Bush and legislators including Senator Kennedy and Senator McCain received a significant boost on 25th May with the passage through the US Senate of a comprehensive bill on immigration. The bill, proposed by Senators Hagel and Martinez, contains provisions that would provide a path to permanent residency for the majority of the undocumented in the US. In this way, it contains many of the key elements of the Kennedy/McCain bill. It is strongly supported by ILIR and I also warmly welcomed its passage through the Senate.

While we are greatly encouraged by the passing of the Senate bill, the reality remains that achieving further progress on this sensitive and divisive issue will present a very considerable challenge. However, the Deputy can be fully assured that our efforts on behalf of the undocumented Irish will continue to be prioritised in every way possible in the critical period ahead.

Diplomatic Representation.

107. **Mr. O'Shea** asked the Minister for Foreign Affairs the new embassies it is proposed to open during the lifetime of this Government. [25250/06]

153. **Mr. Durkan** asked the Minister for Foreign Affairs if it is planned to open further new embassies; the places where it is planned; and if he will make a statement on the matter. [25467/06]

Minister for Foreign Affairs (Mr. D. Ahern): I propose to take Questions Nos. 107 and 153 together.

Ireland has a small diplomatic service and any expansion of its network of resident Missions abroad must be approached on a phased basis, having regard to clear priorities. While there are no plans at present to establish new Embassies, the question of opening further resident Missions abroad is considered by the Government on an ongoing basis.

Arms Trade.

108. **Dr. Upton** asked the Minister for Foreign Affairs if the issue of supply and sale of arms by European Union Members to conflict zones in Africa has been discussed at the General Council of Foreign Ministers; if the volume of such trade is as estimated; and the conclusions which have been arrived at. [25246/06]

Minister for Foreign Affairs (Mr. D. Ahern): There has been no recent discussion on the sales of arms to Africa at the General Affairs and External Relations Council but the European

Council, at its meeting on 15-16 December 2005, adopted an EU Strategy to combat the illicit accumulation and trafficking of small arms and light weapons and their ammunition. While this Strategy has a global geographic scope, it identifies Africa as the continent most affected by the impact of internal conflicts aggravated by the destabilising influx of small arms and light weapons.

There have been various estimates by a number of organisations as to the volume of exports of arms to Africa but there is broad agreement as to its impact. The EU Strategy, for example, notes that besides the humanitarian effects, the consequences of the abundance of small arms and ammunition in terms of development are well documented viz the weakening of State structures, displacement of persons, collapse of health and education services, the spread of pandemics, damage to the social fabric and, in the long term, the reduction or withholding of development aid. It is acknowledged that this trend mainly affects sub-Saharan Africa and is a key factor in limiting development.

At present, the export of all arms from EU countries must conform to the EU Code of Conduct on Arms Exports. Ireland was actively involved in the establishment of this politically binding code, which lists the factors to be taken into account when deciding whether to allow an export of military goods. These include respect for human rights, the internal situation in the country of final destination and the preservation of regional peace, security and stability. Discussions are ongoing in the EU on the possible reinforcement of the Code of Conduct.

The promotion and support of international efforts to secure appropriate safeguards on the sale and transfer of armaments is a key priority of Irish foreign policy. There are too many examples of conflicts which are fuelled by the proliferation of conventional weapons. This is especially an issue of concern in Africa, where the proliferation in particular of small arms and light weapons continues to bring much suffering to societies throughout that continent.

Northern Ireland Issues.

109. **Mr. Rabbitte** asked the Minister for Foreign Affairs if he has had meetings with authorities in Northern Ireland and political parties regarding the security situation surrounding the 2006 marching season; and if he will make a statement on the matter. [25264/06]

Minister for Foreign Affairs (Mr. D. Ahern): In recent months the Government has had discussions with various parties to the Parades issue, including the leadership of the Loyal Orders, the political parties, residents groups and the relevant British authorities. Our meetings have focused in

particular on the small number of areas where there are continuing tensions, including West Belfast, Ardoyne, Short Strand, Dunloy and Portadown. Issues in relation to the appropriate policing of parades have also been discussed through the British-Irish Secretariat in Belfast.

It has been the position of successive Governments that the best solution for disputed parades in Northern Ireland is through dialogue and agreement at local level. In circumstances where agreement cannot be reached all sides should respect the decisions of the Parades Commission. The responsible manner in which the nationalist residents of the Springfield Road responded to the parade on Saturday 24 June was encouraging in this regard.

While we remain confident that the Parades issue is capable of effective resolution, the summer period is inevitably associated with heightened sectarian tension, as events in 2005 in North Antrim and in West Belfast underlined. There is an ongoing need therefore for political leadership from all political parties in Northern Ireland to ensure that the pattern of deteriorating community relations over the summer months is broken. At recent meetings with the parties, including the DUP, the Government has taken the opportunity to emphasise the need for such leadership.

110. **Ms McManus** asked the Minister for Foreign Affairs his view on the latest proposals from the British Government for community restorative justice schemes in Northern Ireland; if he has viewed the latest NIO proposals; and if he will make a statement on the matter. [25266/06]

Minister for Foreign Affairs (Mr. D. Ahern): The Criminal Justice Review, established pursuant to the Good Friday Agreement, considered the question of community restorative justice schemes in the context of strengthening support for the criminal justice system. It concluded that, in certain circumstances, such schemes had a useful role to play, but emphasised the need to operate within certain well-defined criteria. As part of the implementation of the Review, the British Government undertook to prepare guidelines for the operation of restorative justice schemes, and these were published as a consultative document last December.

In the context of ongoing discussions, we have had an opportunity to discuss this issue with the political parties and with the British Government, as well as with other interests. We are aware of the concerns expressed by various stakeholders, and will wish to ensure that any decisions in this area are consistent with the commitment to a widely-supported policing service. In considering proposals for change, the Government has emphasised its view that any programme should adhere to best international practice, must be

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human-rights compliant and have acceptable arrangements with regard to the handling of complaints. We have above all emphasised the need to operate in a manner which underpins the new dispensation in policing, and which contributes to the full implementation of the Patten recommendations. Indeed it seems clear that progress on policing is inevitably closely linked with the scope for the development of community restorative justice and related programmes. We will remain in close touch with the political parties and the British Government on this matter.

International Agreements.

111. **Ms Shortall** asked the Minister for Foreign Affairs the reason the Government has rejected the advice of the Irish Commissioner for Human Rights in relation to the ratification of the United Nations Convention on the Protection of all Migrant Workers and their Families. [25255/06]

Minister for Foreign Affairs (Mr. D. Ahern): As indicated to the House, most recently on 24 May 2006, the case for ratification of this Convention has been examined by my Department in conjunction with the Department of Enterprise, Trade and Employment, which has lead responsibility on the issue. Both Departments are aware of the advice referred to by the Deputy.

However, as previously indicated, the rights of migrant workers and their families are already protected under existing national legislation and under the Irish Constitution, as well as under EU law. In addition, the rights of migrant workers and their families are also addressed by Ireland's commitments under international human rights instruments to which the State is already a party. These international instruments include, for example, the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social and Cultural Rights.

The Convention referred to in the Deputy's question was adopted by the UN General Assembly in December 1990, and it entered into force on 1 July 2003, following ratification by the requisite number of States (20). The Convention has been open for signature and ratification since December 1990. However, to date only 34 States have ratified it. No European Union Member State has as yet signed or ratified the Convention, nor has any indicated an intention to do so.

The position essentially is that, in order for Ireland to ratify the Convention, significant changes would have to be made across a wide range of existing legislation, including legislation addressing employment, social welfare provision, education, taxation and electoral law. These changes would also have implications for our EU commitments. The operation of the Common

Travel Area between Ireland and the UK might also possibly be affected.

As with all outstanding ratifications of international human rights instruments, the position regarding the International Convention on the Rights of All Migrant Workers and their Families is kept under review.

Diplomatic Representation.

112. **Mr. Broughan** asked the Minister for Foreign Affairs the position pertaining to the ongoing incarceration of a person (details supplied); and the Government's views on this ongoing situation. [25270/06]

151. **Mr. Bruton** asked the Minister for Foreign Affairs if his attention has been drawn to a case where a person (details supplied) has been detained without charge and without disclosure of evidence which would back up its alleged security reasons for their detention; if he has raised this practice of administrative detention with the Israeli authorities; and if he will make a statement on the matter. [25385/06]

Minister for Foreign Affairs (Mr. D. Ahern): I propose to take Questions Nos. 112 and 151 together.

I refer the Deputy to my replies of 30 May and 14 June 2006 to Questions on this matter.

I remain concerned about this case, which has been raised with the Israeli authorities by our Embassy in Tel Aviv. The Embassy is continuing to monitor the situation closely, in cooperation with the Embassies of other EU Member States.

The person concerned was arrested on 23 May 2005, and on 16 June 2005 the Israeli authorities ordered his administrative detention for six months. This order was renewed for a further six months in November, but reduced to four months on review in December 2005. On 20 March 2006, the detention was renewed until 20 July. An appeal against the renewal was turned down on 10 May.

The Government, and our EU partners, have serious concerns about the practice of administrative detention in Israel and the Occupied Territories. We are working to ensure that they are addressed in the EU's continuing political dialogue with Israel. Most recently, our concerns about administrative detention were raised at the meeting of the EU-Israel Association Council which took place in Luxembourg on 13 June. In direct contacts with Israel, and in cooperation with its EU partners, the Government continues to raise its concerns about the human rights implications of Israeli security policies and the need to ensure full compliance with international law.

Question No. 113 answered with Question No. 75.

Question No. 114 answered with Question No. 93.

Question No. 115 answered with Question No. 94.

Middle East Peace Process.

116. **Ms Lynch** asked the Minister for Foreign Affairs the position of the three year plan presented by former chairman of the World Bank (details supplied) for the revitalisation of Gaza. [25261/06]

Minister of State at the Department of Foreign Affairs (Mr. C. Lenihan): The Government and our EU partners strongly supported the work of James Wolfensohn during his tenure as Quartet Special Envoy with responsibility for the Israeli disengagement from Gaza. Mr. Wolfensohn stood down from the position on 30 April this year. The Secretary-General of the UN expressed his deep appreciation for Mr Wolfensohn's efforts, a sentiment echoed by the Quartet, which also noted his central role in the conclusion of the Agreement on Movement and Access and the development of an agenda for Palestinian economic recovery.

In advance of the Israeli withdrawal from Gaza in 2005, Mr Wolfensohn put forward a package of security and economic measures with the objective of developing the economy of the area and the prospects for its people. Key to his recommendations were provisions to ensure freedom of movement of both people and goods between Gaza and the outside world including, crucially, between Gaza and the West Bank. One outcome of this package was the transfer of Israeli-run greenhouses to the ownership of Palestinian co-operatives, a measure which was partly financed by Mr Wolfensohn personally. Another outcome was the Agreement on Movement and Access brokered between Israel, the Palestinian Authority (PA) and Egypt in November 2005 which was to ensure the freedom of movement for people and goods, which had been identified as essential to the future economic development of Gaza.

Subsequent developments have not been encouraging and little progress has been made on implementation of either the original recommendations made by Mr. Wolfensohn or the commitments entered into by Israel and the PA in the Agreement on Movement and Access. The Government, together with our partners in the EU, has consistently encouraged the parties to resume work towards such implementation and we will continue to do so.

Diplomatic Relations.

117. **Mr. Sargent** asked the Minister for Foreign Affairs if he has made contact with Prime Minister, Milo Djukanovic, following Montenegro's

recent vote for independence; and if he will make a statement on the matter. [20712/06]

Minister for Foreign Affairs (Mr. D. Ahern): While the Government has in the past had contact with Prime Minister Djukanovic, most notably during the visit which my predecessor Minister Cowen made to the region in May 2003, I have not myself been in direct contact with him.

At its meeting on 20 June 2006 the Government, in line with the common EU position as agreed at the General Affairs and External Relations Council on 12 June, decided to recognise Montenegro as an independent State, and to establish diplomatic relations. Following that decision, I have written to the Foreign Minister of Montenegro, Mr Miodrag Vlahovic, informing him of the Government decision and congratulating him on the peaceful and democratic way in which the people of Montenegro made their decision, and on the achievement of their independence.

Question No. 118 answered with Question No. 42.

Question No. 119 was answered with Question No. 21.

International Agreements.

120. **Mr. G. Murphy** asked the Minister for Foreign Affairs if Ireland will ratify and implement the United Nations Convention Against Corruption; and if he will make a statement on the matter. [25119/06]

121. **Mr. Sherlock** asked the Minister for Foreign Affairs when Ireland will ratify the United Nations Convention against Corruption. [25240/06]

Minister for Foreign Affairs (Mr. D. Ahern): I propose to take Questions Nos. 120 and 121 together. I refer the Deputies to my answer to a similar Question on 24th May of this year. As indicated on that occasion, the Convention was opened for signature on 9 December 2003 and was signed by Ireland on that date. It entered into force on 14 December, 2005.

My colleague, the Minister for Justice, Equality and Law Reform, who has lead responsibility in this area, has instructed his officials to examine the Convention with a view to identifying the necessary legislation which will be required to allow Ireland to ratify and implement it. This examination involves consultation also with the Attorney General's Office, and is ongoing. The Department of Justice, Equality & Law Reform will indicate when their internal procedures have been completed.

Question No. 122 was answered with Question No. 94.

Services for People with Disabilities.

123. **Mr. O'Shea** asked the Tánaiste and Minister for Health and Children the proposals she has to provide primary school children requiring speech therapy with the same entitlements to supports as children requiring language therapy; and if she will make a statement on the matter. [25423/06]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Private Hospitals Provision.

124. **Mr. O'Shea** asked the Tánaiste and Minister for Health and Children when she will announce the terms for private investors in regard to public private partnerships to co-locate private hospitals in the grounds of public hospitals; and if she will make a statement on the matter. [25427/06]

Tánaiste and Minister for Health and Children (Ms Harney): The Health Services Executive has advertised for expressions of interest for the construction and operation of private hospitals on the campuses of 11 publicly funded hospitals. Interested parties have been invited to express an interest for one or more projects and required to complete and submit a pre-qualification questionnaire before the end of June 2006.

Proposals to build and operate private hospitals on the sites of publicly funded hospitals will be subject to a thorough evaluation by the HSE which will have regard to a detailed assessment of need, and existing and planned capacity on a particular site and within the relevant region. It will also provide for a rigorous value for money assessment of any proposal and will take account of the value of the public site and the cost of any tax expenditure. Any transaction will be on a commercial basis and will fully protect the public interest. In addition, there will be full adherence to public procurement law and best practice.

Persons who invest in such private hospitals may be able to avail of the capital allowance scheme for investment in private hospitals if they meet the terms of the existing legislation on capital allowances.

Cancer Incidence.

125. **Mr. G. Mitchell** asked the Tánaiste and Minister for Health and Children if she will investigate the high occurrence of cancers in a small community (details supplied) in Dublin 6; and if she will make a statement on the matter. [25339/06]

Tánaiste and Minister for Health and Children (Ms Harney): The Deputy's question relates to the management and delivery of health and personal, social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to respond directly to the Deputy in relation to the matter raised.

Hospital Services.

126. **Mr. Perry** asked the Tánaiste and Minister for Health and Children if she will intervene with the rehabilitation unit in St. Michael's Hospital, Dún Laoghaire on behalf of a person (details supplied) in County Sligo and have them admitted; and if she will make a statement on the matter. [25369/06]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

127. **Ms Burton** asked the Tánaiste and Minister for Health and Children her views on the findings of the National Review of Sexual Assault Treatment Units; the level of funding which has been allocated to each of the four existing SATUs; the measures which are being put in place to prevent the threatened closure of three of the existing four units (details supplied); if measures are being taken to ensure that treatment can be available whether or not the rape has been reported; and if she will make a statement on the matter. [25373/06]

Minister of State at the Department of Health and Children (Mr. S. Power): The Deputy may wish to note that all existing Sexual Assault Treatment Units are funded by the HSE. Most are funded through the hospital in which they are based. My Department does not directly fund or co-ordinate health and personal social services to victims of abuse. Monies are made available each year, formerly through the health boards, and now through the Health Services Executive, for

the provision of services to women victims of violence. In recent years there has been a substantial increase in funding so that now over €12 million is provided annually for the provision of such services. The distribution of this funding is now a matter for the Health Services Executive. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Health Service Staff.

128. **Mr. English** asked the Tánaiste and Minister for Health and Children the positions that remain unfilled within the Health Service Executive in County Meath; the length of time each position has been unfilled; the positions that will be filled by the Health Service Executive; the positions which have been advertised; and if she will make a statement on the matter. [25374/06]

Tánaiste and Minister for Health and Children (Ms Harney): Employment information collected by my Department refers to numbers employed rather than to vacancies. As the information requested by the Deputy relates to human resource management issues which are matters for the Health Service Executive, the Parliamentary Affairs Division of the Executive has been asked to respond directly to the Deputy in regard to the information sought.

Nursing Home Subventions.

129. **Mr. P. Breen** asked the Tánaiste and Minister for Health and Children if subvention will be increased for a person (details supplied) in County Clare; and if she will make a statement on the matter. [25394/06]

Minister of State at the Department of Health and Children (Mr. S. Power): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, the Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Hospital Services.

130. **Mr. F. McGrath** asked the Tánaiste and Minister for Health and Children if the case of a person (details supplied) is an acceptable level of care from a private hospital. [25395/06]

Tánaiste and Minister for Health and Children (Ms Harney): The issues outlined in the details supplied relate to a private patient in a private hospital. Such services are provided on the basis of a contract between the patient and the hospital.

I have no function in relation to the day to day running of private hospitals. It is open to the person referred to by the Deputy to make their complaint directly to the management of the private hospital.

Nursing Home Charges.

131. **Mr. Bruton** asked the Tánaiste and Minister for Health and Children when the repayment of the unlawfully deducted charges in nursing homes will commence; and the length of time it will take to complete the process; and her views on making a further interim payment in view of the delay and the advanced age of many of the recipients. [25396/06]

Tánaiste and Minister for Health and Children (Ms Harney): The Health (Repayment Scheme) Act 2006 was signed by the President on 23 June 2006. This Act provides a clear legal framework for a scheme to repay recoverable health charges for publicly funded long term care.

The Health Service Executive (HSE) have announced the appointment of a preferred service provider, a consortium comprising of KPMG accountancy group and McCann Fitzgerald solicitors, to administer this repayment scheme. The consortium has already commenced its preparatory work and intends to launch the scheme publicly in mid-July. The HSE has indicated that the consortium will, within four weeks of appointment, begin to issue application forms and begin notifying approximately 7,600 living patients of the amount of repayment due to them. The HSE has indicated that the details of these repayments have been prepared in advance of the appointment of the company. On submission of an application and receipt of notification of the calculated amount of repayment due, the applicant will have a period of 28 days in which to appeal or reject the calculated amount of repayment due prior to the issuing of money by the HSE.

Repayments will be made as soon as possible, with priority given to living persons, and provision has been made for repayments to continue up to 2008. It is anticipated that all repayments will have been completed within this period, however if required the cut off date for receipt of applications can be extended.

Drug Treatment Programme.

132. **Mr. Gogarty** asked the Tánaiste and Minister for Health and Children the number and percentage of identified drug addicts living in the Clondalkin, Lucan, Palmerstown, Rathcoole, Newcastle, Saggart and Brittas areas who are actively trying to deal with their addiction but are not on a recognised drug treatment course or on a methadone maintenance programme; and if she will make a statement on the matter. [25458/06]

Tánaiste and Minister for Health and Children (Ms Harney): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

133. **Mr. Gogarty** asked the Tánaiste and Minister for Health and Children the reason a quota system exists with general practitioners whereby methadone can only be prescribed for a limited number of drug addicts; the length of time this system has been in operation; and if she will make a statement on the matter. [25459/06]

Tánaiste and Minister for Health and Children (Ms Harney): The Methadone Treatment Protocol governs the prescription and supply of methadone to people who are opiate dependent and has been in operation since 1998. There is a cap on the number of patients who may be treated by Level 1 and Level 2 general practitioners, who have received specialist training in the treatment of patients who are opiate dependent. A Level 1 GP can treat up to a maximum of 15 patients. A level 2 GP can treat up to a maximum of 35 patients or a maximum of 50 in a partnership with 2 or more doctors in their own practice. The cap on numbers is to ensure patient safety and quality of service.

The 2002 Review of the Methadone Treatment Protocol recommended that in certain exceptional circumstances these numbers may be increased. Any increases in numbers would only take place with the approval of The Irish College of General Practitioners/Health Service Executive Review Group following an application from the GP/practice concerned.

134. **Mr. Gogarty** asked the Tánaiste and Minister for Health and Children if her attention has been drawn to the problem whereby some drug addicts who are unable to get methadone via their general practitioners and are unable to get onto a drug treatment programme have to get their supplies via the black market; and if she will make a statement on the matter. [25460/06]

Tánaiste and Minister for Health and Children (Ms Harney): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Family Planning Services.

135. **Mr. G. Mitchell** asked the Tánaiste and Minister for Health and Children if she will investigate the alleged comments of the founder of an organisation (details supplied); if she will ensure that these statements are challenged and not given support by, for example, funding either directly or indirectly; and if she will make a statement on the matter. [25509/06]

Tánaiste and Minister for Health and Children (Ms Harney): A range of family planning and crisis pregnancy counselling services, including the one referred to by the Deputy, are in receipt of public funding in order to increase access for the public to such services. These organisations operate in the Irish legal environment and as such, the manner in which they provide them must be in accordance with the governing statutory framework and the service arrangements made between the parties.

I understand that the person to whom the Deputy refers died approximately 40 years ago; and therefore, the comments attributed to her are not, in my view, relevant to the service arrangements in place for providing family planning and crisis pregnancy counselling services.

Departmental Properties.

136. **Ms Burton** asked the Minister for Finance the position in relation to a building (details supplied) in Dublin 15 acquired by his Department some years ago; his proposals to use this building; if there are proposals to convert the building into a driver testing centre; the cost to date of the acquisition, maintenance and upkeep of this building; and if he will make a statement on the matter. [25368/06]

Minister of State at the Department of Finance (Mr. Parlon): The building referred to has been allocated to the Department of Transport for use as a Driving Test Centre. Preparations are under way for the submission of a planning application to the Local Authority.

The building was purchased in 2002 for €1.5m, including VAT. Minimal works have been carried out since then to ensure the maintenance and security of the building while it is unoccupied.

Information Technology.

137. **Mr. Lowry** asked the Minister for Finance if he will introduce a scheme (details supplied) in an effort to boost the number of home computer users; and if he will make a statement on the matter. [25420/06]

Minister for Finance (Mr. Cowen): I have no plans to introduce a scheme along the lines suggested by the Deputy.

Taxation policy over recent Budgets has been aimed at reducing the tax burden thereby increas-

ing disposable income for citizens to spend as they see fit.

As prices continue to fall, many people will buy computers anyway without the existence of tax relief. In real terms, the prices of personal computers have reduced substantially in recent years while their power and functionality has increased. In 1994 a personal computer cost in the region of €2,540 (£2,000) and amounted to about 20% of the net annual income of a single person on average earnings. Today, a home personal computer with good functionality may be purchased for about €700 which is under 3% of net average earnings. Inevitably, therefore, there would be likely to be a sizeable deadweight cost associated with any such initiative.

I understand that the Home Computing Initiative referred to by the Deputy was discontinued by the UK Government in the 2006 Budget because it was not effective at targeting those with poorest access to technology such as those not in employment and the elderly.

Financial Services Regulation.

138. **Mr. J. O’Keeffe** asked the Minister for Finance his views on the legislative and other restrictions on the growth and development of the credit union movement should be removed and in particular his views on whether the restriction on the amounts that can be lent over five years and ten years are severely limiting the operations of credit unions; and if he will introduce the necessary changes as a matter of urgency. [25426/06]

140. **Mr. O’Shea** asked the Minister for Finance his proposals to make a Ministerial Order under Section 35 of the Credit Union Act 1997 along the lines sought by the League of Credit Unions (details supplied); and if he will make a statement on the matter. [25508/06]

Minister for Finance (Mr. Cowen): I propose to take Questions Nos. 138 and 140 together.

Under Section 35 of the Credit Union Act, 1997 loan terms over 5 and 10 years are limited to 20% and 10% respectively of each credit union’s loan portfolio overall. These limits may be changed by Ministerial Order under the Act. The Irish League of Credit Unions (ILCU) has highlighted the current restrictions on longer-term lending as an important concern for the credit union movement and is advocating an increase in the lending limits. The Registrar of Credit Unions who is responsible for the regulation of credit unions under the Act does not favour a change in the lending limits at this time. In view of the divergence of views, I have referred this matter to the Credit Union advisory Committee (CUAC), the statutory advisory body on credit union matters under the Credit Union Act, requesting the Committee’s advice on whether a review of the current limits on longer-term lend-

ing should be carried out. The recommendation of the advisory Committee is expected shortly.

Tax Code.

139. **Mr. N. O’Keeffe** asked the Minister for Finance if there is special exemption from stamp duty for persons (details supplied) in County Cork who originally purchased their local authority house and are now selling same and purchasing another house similar in size and value. [25466/06]

Minister for Finance (Mr. Cowen): From the information provided, it is not clear whether the person is purchasing their new dwelling from the local authority or has entered into any arrangement with the local authority to be provided with an alternative dwelling.

In the event that such situations or arrangements do exist, it is possible that the terms of Section 8 of the Housing (Miscellaneous Provisions) Act 1992 — No. 18 of 1992 may be applicable in this case and may result in an exemption from Stamp Duty being granted. Section 8 of the Housing (Miscellaneous Provisions) Act 1992 — No. 18 of 1992 states:

Stamp Duty shall not be chargeable on any instrument giving effect to the conveyance, transfer or lease of a house, building or land by or to a housing authority in connection with any of their functions under the Housing Acts 1966 to 1992.

In the event that the conditions referred to above do not apply in this case, it would appear, from the information provided, that the person may be purchasing a second-hand house and as such would be liable for Stamp Duty at the rate of 3% of the total value of €190,000.00 (i.e. €5,700.00) and it would not appear that any exemption from Stamp Duty would be applicable.

Question No. 140 answered with Question No. 138.

Dormant Accounts Fund.

141. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources when funding can or will be offered by his Department or through the Dormant Accounts Fund to an organisation (details supplied) in County Kildare for the provision of modern computer equipment; and if he will make a statement on the matter. [25332/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): Up to €1 million funding for ICT initiatives, is being made available from the Dormant Accounts Fund in 2006 to support projects helping disadvantaged young people to adapt to information technology.

In this regard, a public call for applications was made on June 7 2006 and the closing date for receipt of completed applications is 5 p.m. on

[Mr. N. Dempsey.]

Monday July 31 2006. Pobal (formerly Area Development Management Ltd.) will receive and carry out the initial assessment of applications on behalf of the Department of Community Rural and Gaeltacht Affairs and the Department of Communications, Marine and Natural Resources. Application Forms and Guidelines are available from Pobal, or are available to download from the Pobal website at www.pobal.ie.

Foreshore Licences.

142. **Mr. O'Shea** asked the Minister for Communications, Marine and Natural Resources when decisions will be made in regard to the applications for foreshore licences in relation to waste water treatment schemes at locations in County Waterford (details supplied); and if he will make a statement on the matter. [25342/06]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Browne): In the case of the application relating to Dunmore East, observations have been received from the Department's expert advisers, and the applicant has been given sanction to proceed to the public notice stage of the process. This will give interested parties an opportunity to give their observations on the proposal to the Department.

Expert reports are awaited in respect of the Ardmore and Stradbally applications and I have instructed the Department to expedite consideration of the issues involved.

Telecommunications Services.

143. **Mr. Eamon Ryan** asked the Minister for Communications, Marine and Natural Resources the projected cost of construction of the six new MANs announced in June 2006; the persons to whom the principal contract has been awarded; the estimated number of customers that each MANs will reach; when each of the MANs will become operational; and if he will make a statement on the matter. [25417/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): The net-

works announced in June 2006 will be built in Castleblayney, Clones, Cootehill, Bailieborough and Ardee and consist of high-speed fibre and wireless masts in the towns. They are to cost an estimated €8.7 million. 90% of the cost of the project is co-funded by my Department and the EU under the National Development Plan 2000-2006. Monaghan, Louth and Cavan County Councils will fund the remaining 10% of €870,000. Monaghan County Council have appointed the works contractor Clarkes and the project managers MDM (McMahon Design and Management). Construction is due to start in July 2006 and will be concluded in summer 2007. Once complete the networks will be handed over to a Management Services Entity whose role will be to manage and operate the networks.

When designing the networks, the local authorities, in cooperation with the IDA, Enterprise Ireland and other relevant development agencies, were required to take account of existing and proposed business parks and areas zoned for industrial development. The route of each MAN incorporates all these elements where economically and technically feasible. The proposals were then evaluated by the technical advisers engaged by my Department, on the Regional Broadband Programme to ensure that the best possible solution was put in place.

These networks are offering these towns opportunities to attract inward investment in advanced technology and knowledge-based enterprises.

144. **Mr. Eamon Ryan** asked the Minister for Communications, Marine and Natural Resources the cost of construction of all MANs erected here to date; the person who was the main contractor for the construction of each individual MANs; the turnover for each MANs for the latest accounting period; and if he will make a statement on the matter. [25418/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): Please see the following table. Details of turnover on the MANs for the last accounting period are commercially sensitive information and a matter for e-net the Management Services Entity.

Local Authority Project	Project Total To Date (Note 1)	Project Managers	Works Contractor
	€		
Gweedore	474,033.18	Waterland Technologies	Bunbeg Constructions Ltd.
Mayo	4,435,110.06	EAP Consulting Ltd.	Morricom Ireland Ltd.
SERA	16,231,685.64	Waterland Technologies	Lot A Merrot — Carlow, Kilkenny & Wexford Lot B — KN Network Services Ltd. Waterford, Clonmel and Dungarvan
Leitrim	2,870,799.82	J. O'Halloran & Associates	Gerry McCloskey (Irl.) Ltd.
Donegal	3,414,768.09	MDM (McMahon Design and Management Ltd.)	P. Clarke and Sons Ltd

Local Authority Project	Project Total To Date (Note 1)	Project Managers	Works Contractor
	€		
Galway	8,911,164.46	EAP Consulting Ltd.	Ward and Burke, then replaced by P. Clarke and Sons
Midlands	11,499,257.67	MDM (McMahon Design and Management Ltd.)	P. Clarke and Sons Ltd.
Limerick	6,705,184.26	EAP Consulting Ltd.	Gerry McCloskey (Irl.) Ltd.
Cork	12,676,810.80	Waterland Technologies	Morricom Ireland Ltd.
North East	10,300,640.79	MDM (McMahon Design and Management Ltd.)	P. Clarke and Sons Ltd.
Sligo	3,418,188.05	EAP Consulting Ltd.	Morricom Ireland Ltd.

Note 1: The figure excludes some final invoices from Sligo and the North East and retentions held for 12 months (due to be paid in 3rd quarter 2006).

Harbours and Piers.

145. **Mr. J. O’Keeffe** asked the Minister for Communications, Marine and Natural Resources his views on whether the compliance issues relating to the existing licensed areas within Ard-groom Harbour have been resolved; his further views on whether the application by a person (details supplied) for an aquaculture licence lodged in 2004 will be considered; and the steps he will take to ensure the determination of this application without further delays. [25428/06]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Browne):

At present there is substantial non-compliance by existing operators in respect of a range of issues all of which impact on the efficient and effective use of the harbour generally for aquaculture. Pending a satisfactory resolution of the compliance issues it is considered that the site proposed by the applicant will add to the dangers presented to navigation in the harbour. As the Deputy has already been informed, efforts to resolve the overall situation are ongoing.

146. **Mr. O’Shea** asked the Minister for Communications, Marine and Natural Resources the proposals he has to provide funding for the dredging of Dungarvan Harbour, County Waterford in the National Development Plan 2007-2013; and if he will make a statement on the matter. [25429/06]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Browne):

Dungarvan Harbour is owned by Waterford County Council and responsibility for its repair and maintenance rests with the local authority in the first instance. My Department has not, to date, received any proposals from Waterford County Council in relation to the dredging of Dungarvan Harbour. The financial envelope including funding requirements for the Fishery Harbour Measure under the NDP 2007 to 2013 is currently being formulated.

Question No. 147 answered with Question No. 67.

Question No. 148 answered with Question No. 33.

Question No. 149 answered with Question No. 38.

Question No. 150 answered with Question No. 8.

Question No. 151 answered with Question No. 112.

Diplomatic Representation.

152. **Mr. Lowry** asked the Minister for Foreign Affairs if, in view of humanitarian work carried out by many Irish groups in providing respite visits to nationals from Belarus since Chernobyl, he has plans to establish an embassy in Minsk to cater for the hundreds of visa applications from that country every year; and if he will make a statement on the matter. [25450/06]

Minister for Foreign Affairs (Mr. D. Ahern): In 2005, a decision was taken that children travelling from Belarus for recuperation visits under the auspices of various Chernobyl groups would require visas to enter Ireland. This requirement was made effective for most groups as from 1 January 2006 and will apply to all groups from 1 January 2007.

Prior to the visa requirement coming into effect, detailed discussions took place between the Visa Office of the Embassy of Ireland in Moscow and representatives of the various groups in order to ensure that travel by the children would not be disrupted. These arrangements are currently working well and I am satisfied that visas for the various children’s groups are being processed speedily by the Embassy in Moscow. In the first five months of this year, 1,065 such visas have been issued.

I am not aware of any disruption of visits by children’s groups travelling to Ireland arising

[Mr. D. Ahern.]

from the introduction of the visa requirement. Nevertheless, the Embassy in Moscow will review the operation of the current scheme and will discuss it with the representatives of the various groups involved later this year.

Ireland has a small diplomatic service and any expansion of its network of resident Missions abroad must be approached on a phased basis, having regard to clear priorities. I am satisfied that our existing diplomatic arrangements in Belarus, namely accreditation on a non-resident basis by our Ambassador in Moscow, are sufficient to cover our interests and are working well. There are no plans to open a resident Embassy in Minsk.

Question No. 153 answered with Question No. 107.

Question No. 154 answered with Question No. 32.

Question No. 155 answered with Question No. 36.

Human Rights Issues.

156. **Mr. Durkan** asked the Minister for Foreign Affairs the applicant countries currently deemed to have the most serious human rights violations in the past five years; the degree to which the international community is dealing with the situation; and if he will make a statement on the matter. [25470/06]

Minister for Foreign Affairs (Mr. D. Ahern): The EU currently has three candidate countries, Croatia, the former Yugoslav Republic of Macedonia and Turkey. Accession negotiations have begun with both Croatia and Turkey. In line with the conclusions of the European Council meeting in Copenhagen in June 1993, in order to be granted candidate country status, applicant states are expected to have made progress towards meeting the necessary political criteria. These political criteria include the requirement that each has achieved a stability of institutions guaranteeing democracy, the rule of law, human rights and respect for, and protection of, minorities.

The European Council at its meetings in June and December 2004 respectively agreed that Croatia and Turkey sufficiently met the Copenhagen criteria to enable the opening of accession negotiations. The December 2005 European Council welcomed the progress made by the former Yugoslav Republic of Macedonia towards meeting the Copenhagen criteria and, in recognition of this progress decided to grant candidate country status to the former Yugoslav Republic of Macedonia. At the same time the European Council made it clear that further steps — such

as the opening of accession negotiations — will have to be considered in the light of, amongst other considerations, the former Yugoslav Republic of Macedonia's compliance with the Copenhagen political criteria.

In recognition of the need to maintain progress in this regard, the Commission monitors the continued efforts in each of the candidate countries towards compliance with the Copenhagen criteria and meeting the obligations of membership by satisfying the economic and political conditions required. Also, in the cases of Croatia and Turkey, the EU will address the progress on human rights as relevant chapters are considered in the course of the accession negotiations.

Overseas Development Aid.

157. **Mr. Durkan** asked the Minister for Foreign Affairs if the EU and UN will accelerate a programme to combat HIV and AIDS in the African countries most severely affected; and if he will make a statement on the matter. [25471/06]

Minister of State at the Department of Foreign Affairs (Mr. C. Lenihan): The European Union, like Ireland, has a particular focus on communicable diseases including HIV/AIDS. The European Union approach is outlined in the 2005 report entitled "A European Programme for Action to Confront HIV/AIDS, Malaria and Tuberculosis through external action". This report provides for accelerated investment and effort both at European Union level and in conjunction with other global partners. Implementation of the report will see greater emphasis on Research and Development in Europe as well as greater financial and technical support for HIV and AIDS in poorer countries.

Since 1996, the European Union, with the support of Member States, has quadrupled its funding to HIV/AIDS, tuberculosis and malaria, the three priority diseases identified in the UN Millennium Development Goals. The European Union is now the second largest donor in this area and has provided over two billion euros for the period 2003-2006.

The United Nations accords exceptional priority to combating HIV and AIDS, as reflected in its General Assembly Special Session (UNGASS) on HIV/AIDS in 2001 and at a further such session in 2006. The Taoiseach took a leading role in both of these sessions. The efforts of the United Nations on HIV/AIDS are coordinated by UNAIDS, which has led an accelerated global response to HIV/AIDS. There has been a 28-fold increase in funding for low and middle income countries from €240 million to €6.6 billion in 2005. UNAIDS has recently launched a new global effort to achieve Universal Access to Prevention, Treatment, and Care and

Support by 2010. This has major implications for international and national policy, and financial resources. UNAIDS has also made considerable progress in 'mainstreaming' HIV and AIDS in the plans and strategies of the UN development agencies.

Consolidation and coordination of effort is required if a timely response to the HIV pandemic is to be ensured. UNAIDS offers an opportunity for a wide range of organisations and governments to support such consolidation and coordination. It provides leadership to improve support to low and middle-income countries, in Africa and elsewhere, in scaling-up their responses to HIV/AIDS. This involves harmonising multilateral budgets, work plans, country-level responses, identification of needs and technical frameworks.

In conclusion, I would like to reiterate that Ireland, in its own right, and as a full member of both the European Union and the United Nations is fully committed to playing an important role on the issue of HIV/AIDS, as clearly demonstrated by the Taoiseach's leadership in attending the recent United Nations General Assembly Special Session on HIV/AIDS and his pledge to provide annual funding of €100 million to combat HIV/AIDS and other communicable diseases.

Question No. 158 answered with Question No. 25.

Question No. 159 answered with Question No. 12.

Question No. 160 answered with Question No. 87.

Foreign Conflicts.

161. **Mr. Durkan** asked the Minister for Foreign Affairs the extent to which the situation in Darfur is being resolved; and if he will make a statement on the matter. [25475/06]

165. **Mr. Durkan** asked the Minister for Foreign Affairs the degree to which the situation in the Sudan is being monitored by the international community; and if he will make a statement on the matter. [25479/06]

Minister for Foreign Affairs (Mr. D. Ahern): I propose to take Questions Nos. 161 and 165 together.

On 5 May 2006 the Darfur Peace Agreement (DPA), negotiated under the auspices of the African Union with active support from the EU, UN and US, was signed by the Government of Sudan and Minni Minnawi, leader of the Sudan Liberation Army (SLA) faction with the largest number of fighters on the ground. However, the heads of the Justice and Equality (JEM) rebel

group and the Abdelwahid El-Nur SLA faction refused to sign. Despite this, on 8 June thirty representatives from these two groupings signed a declaration of commitment to the DPA.

On 13 June one of the first steps in the implementation of the DPA was taken when the Darfur Ceasefire Commission (CFC) was established at the African Union Monitoring Mission in Sudan (AMIS) Force Headquarter in El Fasher. The CFC is responsible under the DPA for the implementation and monitoring of its ceasefire provisions and of other previous ceasefire agreements. Members of the SLA/Abdelwahid and JEM who are bound by previous ceasefire agreements also attended and pledged their support for peace in Darfur.

Since full and rapid implementation of the Darfur Peace Agreement is a precondition for lasting peace and security in Darfur and an end to the suffering of millions of its people, I call on all parties to fulfil their commitments. In particular, I would be glad to see the early convening of the Darfur-Darfur Dialogue and Consultation process. I understand that the African Union is involved in consultations regarding the nomination of a prominent African to chair the process and would urge that this be finalised quickly. It is imperative that the population of Darfur be given the opportunity to engage in a process of reconciliation and to take ownership of the Peace Agreement. It is also essential that the Sudan Government fulfils its commitment to disarm the Janjaweed.

The international community, particularly the EU, has been actively involved in securing a resolution to the crisis in Darfur. The EU Special Representative for Sudan, Pekka Haavisto, participated actively in the negotiations in Abuja which led to the signing of the Darfur Peace Agreement and subsequently tried hard to bring Abdelwahid El-Nur and his faction on board. Ireland fully supports the Conclusions adopted on Sudan by the General Affairs and External Relations Council at its meetings in May and June 2006 and the Declaration adopted by the European Council on 16 June. The matter has, of course, been a priority on the agenda of the African Union (AU) for some time. The UN Security Council has adopted numerous resolutions on the situation in Sudan and a delegation from the Security Council visited Sudan on 6-8 June. They held talks with President Bashir and visited the Darfur region. They also went to South Sudan where they met with the autonomous regional government. Implementation of the January 2005 Comprehensive Peace Agreement for Southern Sudan is closely followed by the UN Special Representative for Sudan, Mr. Jan Pronk.

On 22 June, a Technical Assessment Mission jointly led by the UN and the African Union (AU) concluded a two-week mission in Sudan. At

[Mr. D. Ahern.]

the request of the UN Security Council, they carried out an evaluation of requirements for transition to a UN mission and reported to the Council on 27 June. The Mission indicated that, while the situation in Darfur remains very fragile, the Darfur Peace Agreement presents an opportunity which must be seized. The Mission recommended that, because of the fragile situation, a substantial UN force should be in place in Darfur by January 2007. A solid military presence in Western Darfur could also address the issue of cross-border incursions from Chad. Since a UN mission cannot be fielded without the consent of the Government of Sudan, the UN Secretary-General will discuss this matter with the President of Sudan at a meeting sponsored by the African Union on 1 July in an effort to overcome current Sudanese objections.

I will travel to Sudan from 2-5 July. I will meet with representatives of the Government of Sudan as well as with representatives of the UN in Sudan. I will also visit the Darfur region and see for myself the situation on the ground in the internally displaced persons camps.

Democratisation Process.

162. **Mr. Durkan** asked the Minister for Foreign Affairs if he will report on the situation in the Democratic Republic of Congo; and if he will make a statement on the matter. [25476/06]

Minister for Foreign Affairs (Mr. D. Ahern): Presidential and parliamentary elections are now scheduled to take place in the Democratic Republic of the Congo (DRC) on 30 July 2006. These will be the first multi-party elections in the DRC in over forty years. A total of 33 candidates will contest the presidency while some 260 political parties and over 9,300 candidates will compete for the 500 legislative seats in the new parliament. Over 25 million people out of an estimated potential electorate of 28 million have registered to vote.

Successfully conducted elections are absolutely critical to the consolidation of peace and security in the DRC and in the Great Lakes Region as a whole. The international community, including Ireland and its EU partners, is investing heavily in ensuring that the forthcoming elections are successful, given the major organisational challenge they represent for a country the size of western Europe with extremely poor basic infrastructure and ongoing security problems. The EU and its Member States alone are contributing some €235 million towards the overall cost of the elections which are estimated at well over \$300 million. The EU will also deploy a 250-strong electoral observation mission, including two observers from Ireland, to monitor the elections.

Nationally, Ireland is also actively supporting the electoral process in the DRC. The Government has contributed a total of €1.3 million in support of the DRC elections, including a contribution of €800,000 announced by my Department last month in support of the South African Independent Electoral Commission which is assisting in the logistical organisation and oversight of the elections. The Government has also decided to provide five Permanent Defence Force personnel to serve with the EUFOR RDC mission which the EU is deploying, at UN request, to provide support, if required, to the UN MONUC peace-keeping mission during the electoral period. Ireland also provides three members of the PDF who serve with MONUC while the Government has also contributed over €11 million for emergency and recovery activities in the DRC since 2002, almost €5 million of which has been provided to date in 2006.

The DRC will continue to face considerable challenges in the post-election period and it will be important for the international community to remain engaged in support. Particular challenges will be security sector reform and completing the integration of national armed and police forces. The EU is already offering extensive support in this area though the EUSEC and EUPOL ESDP missions. The successful holding of the second Summit of the Great Lakes Conference, now provisionally scheduled for next December in Nairobi, would also help to underpin security in the DRC and throughout the region. A UN Security Council mission visited the DRC earlier this month and raised some of these themes in its discussions with the DRC government and parties.

Question No. 163 answered with Question No. 35.

Question No. 164 answered with Question No. 17.

Question No. 165 answered with Question No. 161.

Unfair Dismissals.

166. **Mr. McHugh** asked the Minister for Enterprise, Trade and Employment the position of a person who has been employed for a period of one year and is being dismissed on the basis that the person is too highly qualified for the job; and if he will make a statement on the matter. [25411/06]

Minister of State at the Department of Enterprise, Trade and Employment (Mr. Killeen): The Unfair Dismissals Acts 1977 to 2001 protect employees from being unfairly dismissed from their jobs by laying down criteria by which dismissals are to be judged unfair and by provid-

ing an adjudication system and redress for an employee whose dismissal has been found to be unfair.

To qualify under the Unfair Dismissals Acts, an employee is normally expected to have at least one year's continuous service with the employer. A claim for redress under the Acts may be submitted initially to either of the adjudicative bodies specified in the Acts i.e. a Rights Commissioner or the Employment Appeals Tribunal within 6 months of the date of dismissal. Either party may appeal a determination of the Employment Appeals Tribunal to the Circuit Court. Redress may take the form of either financial compensation, re-instatement or re-engagement, whichever the relevant adjudicative body considers appropriate having regard to all the circumstances.

Alternatively, it is always open to individuals to seek professional legal advice on the remedies available under the common law in relation to dismissal. However, an individual is not entitled to recover both damages at common law for "wrongful dismissal" and redress under the Unfair Dismissals Acts for "unfair dismissal".

An explanatory booklet on the Unfair Dismissals Acts is available on the Department's website at www.entemp.ie or by contacting the Employment Rights Information Unit of the Department at (01) 631 3131 or on Lo-call 1890 201 615.

Community Employment Schemes.

167. **Mr. Lowry** asked the Minister for Enterprise, Trade and Employment if all community employment participants who were made redundant as a result of the three year cap have been reinstated to the community employment scheme; if not, when this will be done; the reason it has not been completed to date; if he will proof the further capping and the existing regulations of the CE scheme to ensure that the cap is not breaching equality legislation through institutional ageism; and if he will make a statement on the matter. [25412/06]

Minister for Enterprise, Trade and Employment (Mr. Martin): Community Employment is an active market labour programme designed to provide eligible long-term unemployed people and other disadvantaged persons with an opportunity to engage in training and work experience within their communities on a temporary, fixed-term basis. In this way Community Employment helps unemployed people to re-enter the active workforce by breaking their experience of unemployment through a return to work routine and through availing of training to assist them to develop both their technical and personal skills.

In April 2000 the total amount of time that a person could participate on CE in April 2000 was

limited to 3 years. This measure was introduced to facilitate the movement of participants through CE, allowing new participants who may not otherwise have such an opportunity, to avail of the programme. FÁS has some flexibility to re-engage up to 20% of departing participants for a further year, based on certain criteria being met and FÁS has fully utilised this flexibility in recent months.

In November 2004 the participation limit was extended to up to 6 years for people of 55 years and over. This was in recognition of the fact that older participants may find it more difficult to progress into employment.

As regards the participation limit and equality legislation, Section 22 of the Equality Act 2004 states that nothing in Parts 1 or 2 of that Act shall render unlawful measures to ensure full equality in practice between employees including measures to safeguard or promote their integration into the working environment.

Departmental Reports.

168. **Mr. Lowry** asked the Minister for Enterprise, Trade and Employment the progress to date in the implementation of the Enterprise Strategy Group report of 28 July 2005; the actions which have been implemented completely and those which remain outstanding; and if he will make a statement on the matter. [25413/06]

Minister for Enterprise, Trade and Employment (Mr. Martin): Implementation of the Enterprise Strategy Group Report is ongoing. The implementation process is overseen by the Enterprise Advisory Group (EAG), consisting of representatives of the business community under the chairmanship of Michael Buckley with the participation of Secretaries General from relevant Government Departments. The EAG is currently finalising its first progress report, which will be submitted to me shortly.

I am satisfied that good progress is being made on all the recommendations. I look forward to receiving the Group's Report and their comments on progress made.

Social Welfare Benefits.

169. **Mr. Quinn** asked the Minister for Social and Family Affairs the restrictions that apply to recipients of supplementary welfare allowance regarding their access to training courses for the purposes of upskilling, retraining or re-education; the basis for these restrictions; if, in the interests of upskilling and retraining the labour force, he will consider abolishing or easing such restrictions where they prevent and are an impediment to, a person wishing to partake in retraining or further education; and if he will make a statement on the matter. [25436/06]

Minister for Social and Family Affairs (Mr. Brennan): The supplementary allowance (SWA) scheme is administered on my behalf by the Community Welfare division of the Health Service Executive (HSE). The scheme provides assistance to any persons in the State whose means are insufficient to meet their needs and those of their dependants, subject to qualifying conditions.

I am very conscious of the need to facilitate persons in receipt of social welfare payments to take up training opportunities and to ensure that the social welfare supports are structured to support this objective. A number of measures have been introduced in recent years to remove disincentives to taking up employment and training opportunities and to assist in the transition from welfare to work. These measures include easing of means tests through income disregards and the tapered withdrawal of benefits as earnings increase.

Where a person has an additional income as a result of participation on a training course the means test now provides for a weekly disregard of up to €60 per week with half of additional income between €60 and €90 also disregarded for means assessment purposes. For those participating in approved training courses, any lunch or travel allowances that are paid may also be disregarded. In addition certain training courses now provide a childcare allowance to participants on certain courses. Budget 2006 provided that these childcare allowances are to be treated in the same manner as a lunch or travel allowance and disregarded.

Under legislation a number of categories are specifically excluded from receiving assistance under the Supplementary Welfare Allowance Scheme. People in full-time education are normally excluded from receipt of rent supplement under the supplementary welfare allowance scheme. However, people participating in approved courses under the back-to-education allowance (BTEA) scheme receive a standard weekly rate of payment equivalent to the maximum rate of their previous social welfare payment and may retain any secondary benefits, such as rent supplements, fuel allowance or diet supplements which had been in payment prior to the commencement of their education course. These special provisions are in place to encourage and facilitate people to improve their skills and qualifications and, therefore, their prospects of returning to the active work force.

The BTEA programme was established to encourage and facilitate people on certain social welfare payments to improve their skills and qualifications and, therefore, their prospects of returning to the active work force. The requirement to be in receipt of a relevant social welfare payment for a minimum period has always been a feature of the scheme and is considered neces-

sary to ensure that limited resources are directed at those most in need.

People already in employment are not considered to be in the target group for the scheme. An applicant must be in receipt of a relevant social welfare payment for at least six months, in the case of people wishing to complete a second level course, or twelve months in the case of people wishing to pursue third level qualifications. The twelve month requirement is reduced to nine in the case of people who wish to attend a third level course and who are participating in the National Employment Action Plan.

In the context of the Budget I announced that time spent in receipt of supplementary welfare allowance can count towards the qualifying period for back to education allowance in circumstances where the person establishes an entitlement to a relevant social welfare payment prior to commencing an approved course of study. This new provision will come into effect from September 2006. At present, to qualify for participation in the BTEA scheme an applicant must be, prior to commencing an approved course of study, at least 21 years of age (18 for people with disabilities).

Overall I consider that the current supplementary welfare allowance provisions ensure that people have a financial incentive to take up education or training opportunities. I would also mention that these arrangements are being considered further in the context of a policy review of the supplementary welfare allowance scheme which is due to be completed shortly.

Pension Provisions.

170. **Mr. Boyle** asked the Minister for Social and Family Affairs the number of estate cases for each of the years 2000 to 2005 where the Pensions Office raised overpayments and where the next of kin claimed that the assets re-assessed were accrued partly or in total from savings from the non-contributory pensions of the person.
[25495/06]

Minister for Social and Family Affairs (Mr. Brennan): The number of estates cases for each of the years 2000 to 2005 where the Pension Services Office of my Department raised overpayments is as follows:

Year	No. of cases where overpayments raised
2000	508
2001	474
2002	406
2003	388
2004	335
2005	272

My Department does not have statistics on the number of the above cases where the next-of-kin of the deceased pensioners stated that the over-payments arose partly or in total from savings accumulated from non-contributory pensions.

Social Welfare Benefits.

171. **Mr. Ring** asked the Minister for Social and Family Affairs the reason the unemployment benefit of a person (details supplied) in County Mayo was discontinued in view of the fact that they produced evidence that they were looking for work. [25499/06]

Minister for Social and Family Affairs (Mr. Brennan): The person concerned was in receipt of unemployment assistance up to 20 June 2006 when, following a review of his claim which took account of all the available evidence, the Deciding Officer disallowed the claim on the basis that he was not genuinely seeking employment.

The person appealed against this decision and in accordance with the statutory requirements the relevant departmental papers and comments of my Department were sent to the Social Welfare Appeals Office. The case has been referred to an Appeals Officer for early consideration.

Under Social Welfare Legislation decisions in relation to claims must be made by Deciding Officers and Appeals Officers. These officers are statutorily appointed and I have no role in regard to making such decision.

Public Transport.

172. **Ms Burton** asked the Minister for Transport the level of funding provided for bus corridors in 2006, particularly for those serving Dublin 15 and the Blanchardstown area; the way in which same is spent; the amount and percentage of such funding drawn down in each of the past five years; the number of bus lane kilometres in Fingal; the different QBCs and the number of pinch points for buses on each route; the percentage of each route where a bus lane exists; if he has satisfied himself in relation to the level of QBC provision in Fingal; the legislative measures he proposes to speed up bus priority measures; and if he will make a statement on the matter. [25371/06]

Minister for Transport (Mr. Cullen): The development of Quality Bus Corridors in the Greater Dublin Area is funded through the Traffic Management Grants Scheme, administered by the Dublin Transportation Office, and implemented by the local authorities of the Greater Dublin Area through the Quality Bus Network Project Office. This year, I have made almost €38m available for QBC development, €26,442,798 of which will be spent in the current

year, and €12,067,440 of which is contractually committed into 2007.

In 2006 allocations totalling €6,662,341 have been made to schemes in the Fingal County Council Area. These are:

Scheme Name	2006 Allocations Sanctioned
	€
Swords QBC	227,000
Blanchardstown QBC — N3 Inbound	200,000
Huntstown Bus Gate	200,000
Snugborough Road	2,189,614
Blanchardstown Road North & South	3,845,727

Of these €6,435,341 are specific to the Blanchardstown Area.

The funding is being spent on the design and implementation of bus priority measures to help facilitate the passage of buses through congested areas and to help improve bus run-times.

There are currently 11 operational QBCs serving Dublin, covering 139km. Of these, three serve Fingal. They are Swords (21.6km), Blanchardstown (16.4km) and Finglas (6km). Local authority boundaries are not a consideration when trying to implement a corridor treatment of bus priority measures. Details of the 11 QBCs, including the percentage of each route where a bus lane exists, are set out in my reply to PQ21968.06, to Deputy Ruairí Quinn, on 7th June, 2006. Details of expenditure on QBCs in the past five years are also set out in that reply.

On the issue of pinch points, as I said in my answer to PQ21968.06, the annual monitoring exercise undertaken by the DTO shows where bus priority infrastructure continues to require an improvement in performance in terms of protecting bus operations from the effects of traffic congestion. The results of these monitoring exercises are used by the DTO to inform the development of the bus priority scheme programme. I am informed by the DTO that a significant portion of the Quality Bus Network Office's 2006 programme addresses urgent needs such as pinch points. The Deputy may care to examine the reports for Winter 2002, 2003 and 2004, which are available on the DTO website at www.dto.ie/web2006/qbcmom.htm.

Under Transport 21, I have committed to doubling the Quality Bus Network by making €600m available to the Traffic Management Grants scheme over the period 2006-2015. The following QBC schemes are proposed in the short-term for Fingal, subject to the usual statutory process and are part of the DTO Steering Committee-approved work programme for the Quality Bus Network Office:

- Swords QBC Enhancements (Swords to City Centre)

[Mr. Cullen.]

- Blanchardstown QBC (Existing) Enhancements to City Centre
- Blanchardstown QBC — N3 Inbound (Meath County Boundary to Scotts Roundabout)
- Blanchardstown QBC — N3 Outbound (from Scotts Roundabout)
- Huntstown Bus Gate
- Snugborough Road
- Blanchardstown Road North & South
- Blanchardstown Town Centre Interchange
- Blakestown Way
- Blanchardstown Village.

I have no proposals for specific legislative measures in respect of bus priority matters.

Driving Tests.

173. **Ms Burton** asked the Minister for Transport his plans to provide a driving test centre in Dublin 15; and if he will make a statement on the matter. [25372/06]

Minister for Transport (Mr. Cullen): The Department is currently pursuing the option of opening a new Driving Test Centre in Dublin 15. The location of the proposed new Test Centre is the former AIB premises in Blanchardstown which is now owned by the Commissioners of Public Works in Ireland.

Rail Network.

174. **Mr. F. McGrath** asked the Minister for Transport if the new Metro system will be running under schools; and if there are safety concerns in relation to same. [25376/06]

Minister for Transport (Mr. Cullen): Transport 21 includes two Metro lines — Metro North from St. Stephen's Green to the north of Swords, in the vicinity of Lissenhall, to be completed in 2012 and an orbital line, Metro West, linking Tallaght with Ballymun and serving Clondalkin, Liffey Valley and Blanchardstown which is scheduled for completion, on a phased basis, by 2014.

The Railway Procurement Agency (RPA) is currently undertaking extensive public consultation on the route of Metro North. The response to this has been considerable and very positive. A route for Metro North will only be selected when this consultation has been completed.

Metro West, when completed will provide a high quality public transport alternative for the increasing number of people travelling along the corridor between Tallaght and Dublin Airport and provide an alternative public transport

option to the M50. The RPA have commenced alignment studies for this project.

As no specific route alignment has yet been fixed for either of the Metro projects, it is not possible to confirm if the route will be under any schools. However, the Metro will be constructed to the highest technical standards, including safety standards.

Public Transport.

175. **Ms O. Mitchell** asked the Minister for Transport the amount of funding provided to date by his Department to plan, design or develop quality bus corridors in Galway city; when such facilities will come into operation; and if he will make a statement on the matter. [25387/06]

Minister for Transport (Mr. Cullen): It is a matter for the Local Authorities in each regional city to prioritise the most suitable routes for QBCs, and to apply to my Department for funding for appropriate QBCs or other bus priority measures.

My Department initially made funding of €350,000 available for bus priority measures in Galway in 2003, and drawdown of funding began in 2004. My Department provided funding of €546,751 for bus priority measures in Galway in 2004. An allocation of €1,300,000 for bus priority measures was made by my Department to Galway City Council in 2005. In 2006, I have made funding of €1,500,000 available to the City Council for work on bus priority in the City.

The first QBC in Galway, 0.8km on the Dublin Road, was substantially completed during 2004 with funding from my Department, and was officially opened in February 2005. A 2km extension of the existing QBC on the Dublin Road, again with funding from my Department, is currently nearing completion. East of the Corrib, my Department is providing a €100,000 contribution towards the design element of the Seamus Quirke Road/Bishop O'Donnell Road in respect of the provision of bus priority on that route.

As regards future bus priority in Galway, my Department is currently funding a strategic bus study, commissioned by Galway City Council, regarding bus operations in Galway. This study will recommend bus priority measures for implementation in future years. The study is expected to be completed in the coming months. Pending the completion of the Galway bus study, it is not possible to state the exact bus priority measures which will be implemented in the city in the future.

Park and Ride Facilities.

176. **Ms O. Mitchell** asked the Minister for Transport the funding allocated by his Department to local authorities in Galway to develop

park and ride facilities for the city; the amount allocated for this purpose over the past five years; the number and location of park and ride facilities in the city; and if he will make a statement on the matter. [25388/06]

Minister for Transport (Mr. Cullen): Funding is being made available under Transport 21 for bus priority measures and park & ride in the Regional Cities. It is a matter for the local authorities in each regional city to prioritise the most suitable locations for park & ride and to apply to my Department for funding for the capital cost of appropriate park & ride facilities. Any applications received from local authorities will be considered on a first come first served basis and will be evaluated according to their business cases.

I understand that Galway City Council has been examining the options for park & ride in the city and a process is underway there to identify suitable locations and the options for development. My Department has received one application for funding for park & ride in Galway over the last five years. This was for a temporary Christmas park & ride at Ballybrit for a number of weeks during December 2005. A payment of €50,000 towards the cost of this park & ride was made by my Department to Galway City Council in April 2006.

Rural Transport Services.

177. **Ms O. Mitchell** asked the Minister for Transport the number, location and destination of origin of, stage-carriage and rural bus services currently provided by Bus Éireann in County Galway; and if he will make a statement on the matter. [25389/06]

178. **Ms O. Mitchell** asked the Minister for Transport the number of city bus services and the routes serviced by Bus Éireann in Galway City; and if he will make a statement on the matter. [25390/06]

Minister for Transport (Mr. Cullen): I propose to take Questions Nos. 177 and 178 together.

Bus Éireann has informed me that the company operates approximately 285 stage carriage departures in each direction per week to and from Galway city over approximately 14 routes to all the main towns in the county. They also operate a number of rural services on a regular basis as well as seasonal services. The company operates approximately 2,800 city service departures in each direction per week over 11 routes covering the entire city.

Full details are contained in the Bus Éireann timetable or from the website at www.buseireann.ie.

179. **Ms O. Mitchell** asked the Minister for Transport the funding which was allocated to rural transport schemes in County Galway in each of the past five years; the corresponding number of transport routes operated in this time; the average number of passengers facilitated by these routes; and the safety and standard guidelines set out by his Department in the operation of these transport routes. [25391/06]

Minister of State at the Department of Transport (Mr. Gallagher): The Rural Transport Initiative (RTI) is a pilot scheme, under which funding is made available to thirty-four community-based organisations across the country, two of which are based in County Galway, to address the transport needs of their rural areas through the provision of local transport services.

Pobal administers the RTI on behalf of the Department of Transport and, together with the individual RTI groups, is responsible for all the operational aspects of the initiative, including the services to be provided. However, I have asked Pobal to forward the information requested to the Deputy.

CIE Property.

180. **Mr. M. Higgins** asked the Minister for Transport the acreage of sites held by CIE in Dublin; the figures as regards the sizes of Connolly, Heuston and Pearse Stations and Busaras; the number of bus depots in Dublin; and the sizes of same. [25452/06]

Minister for Transport (Mr. Cullen): The property affairs of CIE are matters for the Board in accordance with the provisions of the Transport Acts 1950 and 1964.

Dormant Accounts Fund.

181. **Mr. Durkan** asked the Minister for Community, Rural and Gaeltacht Affairs when funding can or will be offered by his Department or through the Dormant Accounts Fund to an organisation (details supplied) in County Kildare for the provision of modern computer equipment; and if he will make a statement on the matter. [25333/06]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern): As the Deputy is aware, following Government approval, I announced details on 4th January 2006 concerning the allocation of €24 million for the purpose of supporting programmes and projects tackling economic and social disadvantage. The roll-out of these measures is well under way and applications are being invited for the specific programmes on a phased basis as the operational arrangements are finalised.

[Mr. N. Ahern.]

With regard to funding for ICT initiatives, up to €1 million is available on the Vote of the Department of Communications, Marine and Natural Resources from dormant accounts in 2006 to support projects helping disadvantaged young people to adapt to information technology. In this regard a public call for applications was made on June 7th 2006 and the closing date for receipt of completed applications is 5pm on Monday July 31st 2006. Application Forms and Guidelines are available from Pobal (www.pobal.ie), which has been engaged for the initial processing of applications.

Inland Waterways.

182. **Mr. Gormley** asked the Minister for Community, Rural and Gaeltacht Affairs the amount of money Waterways Ireland receives for the purpose of cleaning the canals; if he is satisfied that the cleaning of the Grand Canal in Dublin takes place on a regular enough basis to justify the payment of this money; if he has received a recent report regarding the cleanliness of this canal; and the action he intends to take to ensure that this canal is cleaned on a regular basis. [25364/06]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): I wish to inform the Deputy that the responsibility for day-to-day maintenance of the canal network lies with Waterways Ireland. The Body was allocated €8.3m approximately in 2006 for the purpose of maintaining the canals, including the Royal Canal, Grand Canal, Barrow Navigation, canalised sections of the Shannon Navigation, and the Shannon Erne Waterway. The maintenance works include weed control (cutting and spraying), dredging, grass cutting, hedge cutting, towpath/bank maintenance and litter collection.

Waterways Ireland informs me that the cleaning of the Grand Canal in the Dublin area is carried out on a regular basis having regard to the resources available. Litter removal and grass cutting work along the canal is generally undertaken by Waterways Ireland staff on a continuous rotating 'section by section' basis. While I am not aware of the report that the Deputy refers to, I am satisfied that the Dublin section of the Grand Canal is cleaned as regularly as possible, having regard to current resources.

I must stress however that if people desisted from throwing things into the canal and along the bank it would reduce the cost of maintaining the canal and free up resources for more productive purposes.

183. **Mr. Gormley** asked the Minister for Community, Rural and Gaeltacht Affairs the action he will take to ensure that Waterways Ireland cooperate with Dublin City Council in reinstating

the antique lamp standard on Huband Bridge, Percy Place, Dublin 4 as soon as possible. [25365/06]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): Waterways Ireland has confirmed that it will contact Dublin City Council to examine the options for the reinstatement of the antique lamp standard on Huband Bridge, Percy Place, Dublin 4.

Community Development.

184. **Mr. Bruton** asked the Minister for Community, Rural and Gaeltacht Affairs if the community development projects which have operated in disadvantaged areas under recent community support frameworks will be renewed; and when will agencies running these receive a financial envelope in order to frame new multi-annual plans. [25398/06]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern): The Community Support Frameworks referred to by the Deputy represent the agreements concluded between the Irish Government and the European Commission on how Structural Funds are committed and managed. The Community Support Framework for Ireland 2000-2006 does not include the Community Development Programme which is funded by my Department. The Programme is delivered by 182 locally based projects.

While the current Community Development Programme expires at the end of 2006, I have proposed its continuation under the new National Development Plan for 2007 to 2013. I intend that the new programme will build on the successes of the current programme.

185. **Mr. Lowry** asked the Minister for Community, Rural and Gaeltacht Affairs if additional funding will be allocated to Leader companies to meet commitments under village enhancement and other schemes, in view of the fact that much of the Leader related projects depend on matching or a portion of Leader funding; if he will make this necessary funding available; the reason for not making such funding available immediately; and if he will make a statement on the matter. [25439/06]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): No additional funds have been allocated, as yet, to LEADER companies to fund the LEADER element of projects such as village enhancement and other schemes in the extended CLÁR areas. Some companies may, however, be in a position to fund such projects from their existing resources. Consideration will be given to allocating further funding to LEADER companies as the year progresses.

186. **Mr. Lowry** asked the Minister for Community, Rural and Gaeltacht Affairs his plans post Leader; if another Leader related programme will be embarked upon post 2006; the discussions his Department have had with Leader companies regarding continuing the Leader programme past 2006; the discussions his Department have had at EU level; and if he will make a statement on the matter. [25440/06]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): Ireland's Rural Development National Strategy Plan 2007-2013, which is currently with the European Commission, strongly endorses the LEADER approach to delivering measures to the wider rural economy. My Department officials have met with the Commission and are awaiting agreement on the Strategy.

Following on from the imminent adoption of the overall National Strategy, a detailed National Rural Development Programme will be formulated and implemented from 2007. Stakeholders, including the LEADER companies, were consulted during the preparation of the National Strategy Plan and will be consulted again on the potential content of the more detailed Programme.

In any event, the Deputy should note that the Programme will contain a dedicated chapter or axis devoted to mainstreaming the LEADER approach in implementing rural development policy going forward.

Grant Payments.

187. **Mr. Lowry** asked the Minister for Community, Rural and Gaeltacht Affairs the reason for delays in payment of a grant to a group (details supplied) in County Tipperary; when payment will issue; and if he will make a statement on the matter. [25441/06]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern): The Programme of Grants for Locally-Based Community and Voluntary Organisations is funded by my Department and operates throughout the country, supporting the activities of local voluntary and community groups who are addressing disadvantage in their community.

The 2005 Programme made funds available to community and voluntary groups for small scale refurbishment of premises, for the purchase of essential equipment, including I.T. equipment, and for education, training and research. The maximum grant for refurbishment was €40,000; for equipment was €10,000; and for training, education and research was also €10,000.

The group in question made an application under the 2005 Scheme and were approved for funding in the sum of €47,818.38 for Refur-

bishment and Equipment and in the sum of €6,000 for Education and Training, subject to the group accounting for the previous funding they received in 2003. I am informed that Pobal, who administer the Scheme on behalf of my Department, are in the process of reviewing documentation received from this group and, subject to the satisfactory completion of this process, payment will issue to the group

188. **Mr. Lowry** asked the Minister for Agriculture and Food further to Parliamentary Question No. 295 of 9 May 2006, if officials from her Department have contacted a person (details supplied) in County Tipperary; the outcome of same; if a review of entitlements is underway; and if she will make a statement on the matter. [25408/06]

Minister for Agriculture and Food (Mary Coughlan): Further to Parliamentary Question No. 295 of 9 May 2006 an official of my Department on 10 May 2006 contacted the person named. The person named was informed that no request for a review of his entitlements had been received in my Department. To date, this position remains unchanged. If the person now submits a written application for review to my Department, his case will be examined.

189. **Mr. Aylward** asked the Minister for Agriculture and Food when payment under the REP scheme will issue to a person (details supplied) in County Kilkenny. [25409/06]

Minister for Agriculture and Food (Mary Coughlan): This application was received in my Department on 23rd May 2006 and is being processed. Once processed, payment will issue within the timeframes agreed for the Scheme.

190. **Mr. G. Murphy** asked the Minister for Agriculture and Food if she will make a statement in relation to a person (details supplied) in County Cork; and when her Department will make the transfer. [25410/06]

Minister for Agriculture and Food (Mary Coughlan): An application under the Single Payment Scheme was received from the person named on 5 May 2005. Under the EU regulations, an applicant must declare an eligible hectare to accompany each entitlement in order to draw down the full Single Payment. The person named had established 27.76 entitlements, to which a further 18.93 entitlements were added following the acceptance of his Private Contract Clause application. However, the person named only declared 27.89 hectares on his 2005 Single Payment application. Payment, which issued in December 2005, was in respect of 27.89 entitlements. As the 27.76 entitlements established by

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the person named were of a greater value than those added by Private Contract Clause, his payment was based on these 27.76 entitlements plus 0.13 of his Private Contract Clause entitlements. The person named should be aware that any payment entitlements which have not been used for a period of three years shall be allocated to the National Reserve.

Honey Production.

191. **Mr. O'Shea** asked the Minister for Agriculture and Food the proposals she has to provide grant aid for honey production, in view of the fact that substantial amounts of honey are being imported from outside the EU into Ireland and that other EU Member States provide such grant aid; and if she will make a statement on the matter. [25424/06]

Minister for Agriculture and Food (Mary Coughlan): Last year 1,775 tonnes of honey was imported into Ireland, compared to an estimated 250 tonnes produced by Irish beekeepers. The scheme for capital investment in the commercial horticulture sector, which is operated by my Department and funded under the National Development Plan, is intended to assist in the development of the horticulture sector, including beekeeping, by grant aiding capital investments in specialised plant and equipment.

A minimum investment of €2,000 in the case of beekeeping was required in order to be considered for grant aid and two beekeepers have been approved for grant aid under the current round of the scheme.

192. **Mr. O'Shea** asked the Minister for Agriculture and Food the State assistance which has been provided for beekeepers who suffered major set backs since the arrival of the Varroa mite here in 1998; the proposals she has in this regard; and if she will make a statement on the matter. [25425/06]

Minister for Agriculture and Food (Mary Coughlan): When Varroa was first identified in Ireland in 1998, infected stocks and those in surrounding areas were destroyed in an effort to contain and eradicate the disease. In 1998 and 1999 a total of €30,000 was paid in compensation to affected beekeepers by my Department. However, Varroa has become widespread throughout the country since then and a policy of continuous monitoring, control and treatment is now recommended to beekeepers.

It has been decided that the best approach to funding the control of this disease is through ongoing research aimed at devising an integrated management strategy involving the use of chemical and biotechnical methods and the deployment

of Varroa resistant bees. This research project comprises the main element of our national apiculture programme 2005/07, proposed by the Federation of Irish Beekeepers' Associations and is co-funded by the EU under Council Regulation (EC) No 797/2004 of 26 April 2004.

There are no funds currently available to assist beekeepers with the cost of restocking following the loss of bees and equipment to Varroa disease.

Grant Payments.

193. **Mr. Ring** asked the Minister for Agriculture and Food if a person (details supplied) in County Mayo has received all the payments they are due for the years 2001, 2002 and 2005, including area based payments, premia and SPS; the number of entitlements this person has; and the value of same. [25505/06]

Minister for Agriculture and Food (Mary Coughlan): The Single Payment of each individual farmer consists on the average number of animals on which Livestock Premia and, where appropriate Arable Aid and Dairy Premium, payments were made in the 2000 to 2002 reference years. However, as the person named received no livestock premia during that period, he established no entitlements under the Single Payment Scheme. The person named submitted an application for an allocation of entitlements from the Single Payment Scheme National Reserve under Category B.

Category B caters for farmers who, between 1 January 2000 and 19 October 2003, made an investment in production capacity in a farming sector for which a direct payment under Livestock Premia and/or Arable Aid schemes would have been payable during the reference period 2000-2002. Investments can include purchase or long-term lease of land, purchase of suckler and/or ewe quota or other investments.

A formal letter setting out my Department's decision has issued to the person named and he has been notified that if he is dissatisfied with my Department's decision in relation to the National Reserve he now has the opportunity to appeal this decision to the Independent Payment Appeals Committee. An appeals application form is available from any of my Department's offices or on the Department website at www.agriculture.gov.ie. The person named also submitted an application to the National Reserve under the Hill Farmers Scheme, which caters for farmers with commonage land who were prevented from expanding their sheep production prior to or during the 2000-2002 reference period pending publication of the Commonage Framework Plans in 2002. This application has not yet been fully processed by my Department. A decision will issue to the applicant as soon as processing is completed.

The person named received payments due to him under the Disadvantaged Areas Scheme in 2001, 2002 and 2005, but, these payments are do not constitute part of the Single Payment Scheme.

Illicit Drugs Market.

194. **Mr. Gogarty** asked the Minister for Justice, Equality and Law Reform if he will estimate the value of the black market trade in methadone here. [25461/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): Due to the clandestine nature of the drugs trade, it is not possible to accurately estimate the value of the illicit drug market in methadone in Ireland. However, I am informed by the Garda authorities that the level of seizures of the drug remains low.

The following table shows details of methadone seizures made by An Garda Síochána for the years 2001 to 2005, inclusive:

Year	Quantity	Estimated Street Value
		€
2001	647 tablets 5,677 millilitres	7,604
2002	252 tablets 6,966 millilitres	3,913
2003	370 tablets 3,392 millilitres	4,378
2004	26 tablets	260
2005	1,758 millilitres	351

Visa Applications.

195. **Mr. Allen** asked the Minister for Justice, Equality and Law Reform if it is intended to remove or reform the visa requirements for Romanian citizens seeking entry to Ireland prior to accession date for that country; and if he will make a statement on the matter. [25141/06]

196. **Mr. Allen** asked the Minister for Justice, Equality and Law Reform if it is intended to remove or reform the visa requirements for Bulgarian citizens seeking entry to Ireland prior to accession date for that country; and if he will make a statement on the matter. [25142/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I propose to take Questions Nos. 195 and 196 together.

As the Deputy will be aware, on 16 May the EU Enlargement Commissioner, Mr. Ollie Rehn, presented the European Commission's comprehensive monitoring reports to the European Parliament. He announced that the Commission's final recommendation on the dates of accession for Bulgaria and Romania will not be made until this autumn. The Government is currently considering all the issues pertaining to the accession of Bulgaria and Romania to the EU. A decision

on the visa requirement for nationals of Bulgaria and Romania will be made in due course.

Garda Operations.

197. **Mr. Gregory** asked the Minister for Justice, Equality and Law Reform if, in view of the anti-social behaviour referred to in correspondence (details supplied) and the concerns of residents, the Gardaí will object to further special exemption licences at the premises. [25335/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Garda authorities that local Garda management is aware of complaints of anti-social behaviour and the concerns of local residents in the vicinity of the licensed premises. The licensed premises, which has a full restaurant and public dancing licence, makes applications on a monthly basis for special exemptions. The premises have been subjected to inspections by Gardaí on five occasions to date in 2006. Gardaí have cautioned the licensee in respect of complaints of anti-social behaviour received from the local residents. He has been advised that an application will be made to restrict any applications for special exemptions to weekly applications to allow him to tackle the issues complained of and for the Gardaí to monitor the situation.

I am further informed that local Garda management will attend court and advise of complaints received and if necessary request residents to attend in the event that the problems continue. Gardaí will continue to monitor the situation and give regular and ongoing attention from both mobile and foot patrols.

Garda Investigations.

198. **Mr. Crowe** asked the Minister for Justice, Equality and Law Reform further to Parliamentary Question No. 185 of 21 June 2006 the person who sent the report requested by his Department. [25366/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I have been informed by the Garda authorities that the information requested by the Deputy is not readily available and is currently being researched. I will contact the Deputy again when the information is to hand.

Deportation Orders.

199. **Cecilia Keaveney** asked the Minister for Justice, Equality and Law Reform the position in relation to an application for a person (details supplied) in County Donegal; and if he will make a statement on the matter. [25367/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The person concerned arrived in the State on 14 March, 2003 and applied for

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asylum. His application was refused following consideration of his case by the Office of the Refugee Applications Commissioner and, on appeal, by the Office of the Refugee Appeals Tribunal. Subsequently, in accordance with Section 3 of the Immigration Act 1999, as amended, he was informed by letter dated 16 February, 2005, that the Minister proposed to make a deportation order in respect of him. He was given the options, to be exercised within 15 working days, of making representations to the Minister setting out the reasons why he should be allowed to remain temporarily in the State; leaving the State before an order is made or consenting to the making of a deportation order, in respect of him.

Representations have been received on behalf of the person concerned. His case file, including all representations submitted, will be considered under Section 3(6) of the Immigration Act 1999, as amended, and Section 5 of the Refugee Act 1996 (Prohibition of Refoulement). I expect the files to be passed to me for decision in due course.

200. **Mr. F. McGrath** asked the Minister for Justice, Equality and Law Reform the position regarding the case of persons (details supplied) in County Galway; and if they will be supported. [25377/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I would refer the Deputy to the reply I gave to Parliamentary Question No. 325 of 9 May 2006. I assume the Deputy is referring to the person referred to in his previous question. The position is as previously stated. On 28 February, 2006, the person in question consented in writing to the making of a deportation order in respect of her and her children. A decision in this case will issue in due course.

Road Traffic Offences.

201. **Mr. Ring** asked the Minister for Justice, Equality and Law Reform the number of on-the-spot fines issued for speeding offences in 2005, giving details for each of the different types of speed limits and the total revenue received for these fines. [25419/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Garda authorities that statistics are not compiled in such a way as to distinguish between fixed charge notices issued for the various speed limits zones. I am further informed that in 2005 a total of 143,651 fixed charge notices were issues for speeding. Where a speed offence is alleged a fixed charge notice is issued. The recipient may pay the fixed charge of €80 within 28 days of the date of issue of the notice, or a fixed charge of €120 within 29 to 56 days. Where the fixed charge

is not paid a prosecution will ensue. On conviction a Court may impose a fine of up to €1,500.

I am informed by the Garda authorities that in 2005 a total amount of €14,283,000 was collected through the Garda Vote for offences committed under the Road Traffic Acts. This covers all offences under the Road Traffic Acts for which fines were collected. It is not possible to state precisely the exact amount collected in speeding fines as the fines collected are not categorised according to the type of offence committed.

I am further informed that a total of €7,526,000 was collected through the Courts Vote for offences committed under the Road Traffic Acts. This is made up of moneys collected for speeding cases prosecuted through the Courts. As the 2005 Accounts are still being audited, these figures are provisional pending completion of the Appropriation Account Audit. All monies received are surrendered to the Exchequer as extra exchequer receipts and are accounted for in the Appropriation Accounts.

Garda Review.

202. **Mr. J. O’Keeffe** asked the Minister for Justice, Equality and Law Reform when the internal Garda review of the witness security programme was completed; and the steps he now proposes by way of external review and by way of providing a statutory basis for the programme. [25430/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Garda authorities that the recommendations proposed in a review of the Witness Security Programme, which was conducted by an Assistant Commissioner, remain under consideration by senior Garda management. Accordingly, the final product of internal Garda considerations is not yet available. I can assure the Deputy that I will give full consideration to the final recommendations when they are received.

Garda Deployment.

203. **Ms Burton** asked the Minister for Justice, Equality and Law Reform if he will confirm that the Gardaí allocated to a person’s home (details supplied) have been freed to resume ordinary duties; and if he will make a statement on the matter. [25444/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Garda authorities that for operational reasons it is not the Garda policy to disclose details relating to the security arrangements effected by an Garda Síochána in respect of any person(s), places or events. However, I am further informed that the security arrangements in place in respect of the

location referred to by the Deputy are currently under review.

Visa Applications.

204. **Mr. Lowry** asked the Minister for Justice, Equality and Law Reform the changes in holiday visa requirements for citizens from Belarus since January 2006; the reason for any changes; and if he will make a statement on the matter. [25445/06]

205. **Mr. Lowry** asked the Minister for Justice, Equality and Law Reform if, in view of the humanitarian work carried out by many Irish groups in providing respite visits to nationals from Belarus since Chernobyl, his attention has been drawn to a restriction placed on the number of adults travelling with groups of young people to Ireland for respite breaks and other medical treatment; if his attention has further been drawn to such limits on the number of adults is putting severe strain on many locally based voluntary groups who arrange such visits; if he will review the situation and undertake a wide consultation with groups to establish their concerns; and if he will make a statement on the matter. [25446/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I propose to take Questions Nos. 204 and 205 together.

A number of years ago my Department introduced a scheme whereby the requirement to hold a valid visa prior to entering the State was waived for certain persons travelling from Belarus with the Chernobyl Children's Organisation for the purposes of visiting Ireland for a period of rest and/or recuperation. The groups involved were, at the time, limited in number and were well known to my Department. The number of groups seeking such visa exemptions has increased significantly and there are now between 35 and 40 groups.

This practice worked well in the past but we found it necessary to re-evaluate the system for a number of reasons. First, the introduction of the Children's Act 2001 has placed extra obligations on all parties involved in the establishment of private foster care arrangements. Some, but not necessarily all, of the arrangements entered into between host families, the Chernobyl groups and the parents of the children involved, fall into the category "private foster care arrangements" as defined by the Department of Health and Children. Indeed, officials of my Department met with officials of the Department of Health and Children on this matter to ensure consistency and agreement on the revised practices. Second, the introduction of Carrier's Liability under Section 2.1 of the Immigration Act 2003 means that visa waiver letters are no longer an acceptable alternative to visa endorsements on passports. Third,

there are, unfortunately, indications that in certain cases children have not returned to Belarus on the agreed date.

While my Department may not be directly responsible for the welfare of these children as such, we have an obligation to put into place a system that guarantees, in as much as it is possible, their safety. Were we to continue the practice of issuing visa waiver letters we could be in breach of the relevant legislation.

We now have a dedicated visa office in the Irish Embassy in Moscow which can process these applications and officials of my Department have informed the Chernobyl Groups that such applications will be prioritised by that office. Ultimately our aim is to ensure the safety and welfare of the children who arrive into the care of this State and we are satisfied that the "one person, one visa" system for all is the best way forward in this regard.

I would emphasise that the safety of the children concerned is the primary reason for the introduction of these revised practices. A more serious breach of visa regulations involves a number of adults who sought to accompany children and who did not return to Belarus. This has resulted in tighter controls and checking of such application types. Such persons are circumventing immigration controls by using a vulnerable group to assist with their entry to the State and further have taken advantage of the good nature of their Irish hosts in certain circumstances. Adults who meet the necessary criteria will of course be granted a visa.

The new arrangements were notified well in advance to the groups involved and I have no plans at this time to undertake further consultations or discussions with them.

Deportation Orders.

206. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform if the decision to deport will be deferred in the case of persons (details supplied) in County Meath; and if he will make a statement on the matter. [25480/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I would refer the Deputy to the Reply I gave to his Dáil Question No. 696 of Tuesday 21 March 2006. The position in the State of the persons concerned remains as set out in that Reply.

Citizenship Applications.

207. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform the full extent of residency here in the case of a person (details supplied) in County Dublin; and if he will make a statement on the matter. [25481/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): Section 15 of the Irish Nationality and Citizenship Act 1956, as amended, provides that applicants for naturalisation, other than spouses of Irish citizens, must have been resident in the State for five years of the nine year period prior to the date of application. Residence in this context means residence for which the applicant had the permission of the Minister for Justice, Equality and Law Reform and where such permission was not for the purpose of study or seeking asylum. Generally speaking, reckonable residence is calculated from stamps in applicants' passports and from Departmental and Garda records.

The person in question arrived in the State in June 1998 and applied for asylum. His application was refused in November 1998 and an appeal against this decision was refused in March 1999. He subsequently applied for permission to remain in the State on foot of his marriage to a refugee and this was granted in April 2002.

My Department's records indicate that the person in question had permission to remain in the State continuously between April 2002 and November 2005. He has also been granted permission to remain from June 2006 to May 2007. There is no record that he obtained permission to remain for the period December 2005 to May 2006 and, consequently, this period is not reckonable for naturalisation.

According to my officials calculations, the earliest that the person in question will meet the above mentioned residency requirement is September 2007, provided, of course, he maintains his permission between now and then without any gaps.

Asylum Support Services.

208. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform if self-catering accommodation in the Dublin area will be offered to a person (details supplied) in County Kildare; and if he will make a statement on the matter. [25482/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The Reception and Integration Agency received a transfer request from the person mentioned in the question with supporting medical documentation requesting that she be transferred to an accommodation centre in Dublin in order to facilitate her attendance at the Rotunda Hospital. No reference was made in the supporting medical documentation to any medical requirements for the woman concerned to be accommodated in self-catering accommodation.

On the 24th of May, 2006, the Reception and Integration Agency offered the woman concerned a transfer to Newlight House, St Margaret's Road, Dublin 11. This offer of accom-

modation was refused. On the 2nd June, 2006, the Reception and Integration Agency made a further offer of accommodation at Baleskin Centre, St. Margaret's Road, Finglas, Dublin 11 to the woman. As previously outlined in previous questions to the house, there is a free and frequent bus service for Baleskin residents to the Rotunda Hospital and Dublin City Centre. She elected to decline this offer of accommodation also.

As this woman has been in direct provision for a period of over two years, she can be considered for placement in self-catering accommodation. However, the Reception and Integration has a limited supply of self-catering accommodation in its portfolio and there are currently a number of lone parents with children and families, who have been in direct provision for a period longer than her, awaiting placement at such centres. Accordingly the Reception and Integration Agency will contact her when a suitable vacancy becomes available.

The Reception and Integration Agency has also forwarded the medical documentation submitted in relation to this case to an independent medical referee who will assess whether there is a medical requirement for the woman concerned to be accommodated in self-catering accommodation. The Reception and Integration Agency will contact her when it has received the findings of the medical referee.

Citizenship Applications.

209. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform if residency to date will suffice in an application for naturalisation in the case of a person (details supplied) in Dublin 24; and if he will make a statement on the matter. [25483/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): Section 15 of the Irish Nationality and Citizenship Act 1956, as amended, provides that applicants for naturalisation, other than spouses of Irish citizens, must have been resident in the State for five years of the nine year period prior to the date of application. Residence in this context means residence for which the applicant had the permission of the Minister for Justice, Equality and Law Reform and where such permission was not for the purpose of study or seeking asylum. Generally speaking, reckonable residence is calculated from stamps in applicants' passports and from Departmental and Garda records.

The person in question arrived in the State in February 1997 and applied for asylum. Her application was refused in June 1998 and an appeal against this decision was refused in April 1999. She subsequently applied for permission to remain in the State on foot of her marriage to a

refugee. This application was refused in June 2002. Temporary leave to remain as an exceptional measure was granted to the person concerned in November 2004.

My Department's records indicate that the person in question had permission to remain in the State continuously between November 2004 and November 2005. She has also been granted permission to remain from February 2006 until November 2006. There is no record that she has had permission to remain for the period December 2005 and January 2006 and, consequently, this period is not reckonable for naturalisation.

According to my officials' calculations, the earliest that the person in question will meet the above mentioned residency requirement is January 2010, provided, of course, she maintains her permission to remain in the State between now and then without any gaps.

Residency Permits.

210. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform if he will grant extended residency in the case of a person (details supplied) in County Meath; and if he will make a statement on the matter. [25484/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The person concerned arrived in the State on 25 May, 2004 and applied for asylum. His application was refused following consideration of his case by the Office of the Refugee Applications Commissioner and, on appeal, by the Refugee Appeals Tribunal. Subsequently, in accordance with Section 3 of the Immigration Act 1999, as amended, he was informed by letter dated 22 June, 2006, that the Minister proposed to make a deportation order in respect of him. He was given the options, to be exercised within 15 working days, of making representations to the Minister setting out the reasons why he should be allowed to remain temporarily in the State; leaving the State before an order is made or consenting to the making of a deportation order. This person's case file, including all representations submitted, will be considered under Section 3(6) of the Immigration Act 1999, as amended, and Section 5 of the Refugee Act 1996 (Prohibition of Refoulement). I expect the file to be passed to me for decision in due course.

211. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform if leave to remain in the State will be granted in the case of a person (details supplied) in Dublin 8; and if he will make a statement on the matter. [25485/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The person concerned arrived in the State on 20 June, 2000 and applied for asy-

lum. His application was refused following consideration of his case by the Office of the Refugee Applications Commissioner and, on appeal, by the Refugee Appeals Tribunal. Subsequently, in accordance with Section 3 of the Immigration Act 1999, as amended, he was informed by letter dated 15 November, 2001, that the Minister proposed to make a deportation order in respect of him. He was given the options, to be exercised within 15 working days, of making representations to the Minister setting out the reasons why he should be allowed to remain temporarily in the State; leaving the State before an order is made or consenting to the making of a deportation order. Representations have been received on behalf of the person concerned. This person's case file, including all representations submitted, will be considered under Section 3(6) of the Immigration Act 1999, as amended, and Section 5 of the Refugee Act 1996 (Prohibition of Refoulement). I expect the file to be passed to me for decision in due course.

Visa Applications.

212. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform if a temporary or holiday visa will be offered to a person (details supplied); and if he will make a statement on the matter. [25486/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): There is no current application on record in respect of the person in question. The person in question is advised to submit a visa application for consideration to her nearest Irish Embassy or Consulate. Should there be no diplomatic representation in her country of origin the application may be submitted to the Visa Office in Dublin. Comprehensive information on making a visa application is available on my Department's website (www.justice.ie).

Residency Permits.

213. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform if a green card will issue in the case of a person (details supplied) in Dublin 24; and if he will make a statement on the matter. [25487/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The person concerned arrived in the State on 28 November, 2001 and applied for asylum. His application was refused following consideration of his case by the Office of the Refugee Applications Commissioner and, on appeal, by the Refugee Appeals Tribunal. Subsequently, in accordance with Section 3 of the Immigration Act 1999, as amended, he was informed by letter dated 23 April, 2003, that the Minister proposed to make a deportation order in respect of him. He was given the options, to

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be exercised within 15 working days, of making representations to the Minister setting out the reasons why he should be allowed to remain temporarily in the State; leaving the State before an order is made or consenting to the making of a deportation order. Representations have been received on behalf of the person concerned. This person's case file, including all representations submitted, will be considered under Section 3(6) of the Immigration Act 1999, as amended, and Section 5 of the Refugee Act 1996 (Prohibition of Refoulement). I expect the file to be passed to me for decision in due course.

Schools Refurbishment.

214. **Mr. Gregory** asked the Minister for Education and Science if the work to refurbish a school (details supplied) in Dublin 7 will include a school hall. [25334/06]

Minister for Education and Science (Ms Hanafin): The extension project for the school referred to by the Deputy, consists of eight new classrooms, a special needs room, library, general purpose room and associated stores and toilets.

215. **Mr. Rabbitte** asked the Minister for Education and Science if, in view of her response to Parliamentary Question Nos. 261 and 262 of 25 May 2006 and the information on her Department's website, of 5 October 2005 (details supplied), she will sanction the 2006 summer work scheme without a local contribution in the relevant school; her views on whether her website makes clear that the cap on local contributions within a five-year period has been in operation since 2004, or 2005 at latest; and if she will make a statement on the matter. [25345/06]

Minister for Education and Science (Ms Hanafin): As stated in my reply of 25th May, the projects approved for 2006 under the Summer Works Scheme are being treated as year one of the 5 year period for local contribution purposes. Therefore schools that have projects approved under the 2007 Summer Works Scheme will be advised of how this will apply in the case of their own application for that year and the history of their applications.

Each Summer Works Scheme is governed by a separate Circular Letter which is published each year. There is no reference to a cap on local contributions over a rolling five year period in the Circular Letters governing the 2004 and 2005 Schemes. Therefore, I am satisfied that it is clear that it does not relate to those years.

Disadvantaged Status.

216. **Mr. Ring** asked the Minister for Education and Science if a school (details supplied) in

County Mayo will be included in Delivering Equality of Opportunity in Schools on consideration of their review application; and if she will make a statement on the matter. [25346/06]

218. **Mr. Ring** asked the Minister for Education and Science if a school (details supplied) in County Mayo will be included in the Delivering Equality of Opportunity in Schools on consideration of their review application; and if she will make a statement on the matter. [25348/06]

220. **Mr. Ring** asked the Minister for Education and Science if a primary school (details supplied) in County Mayo will be allowed to retain their rural co-ordinator post 2007; and if this school will be reviewed under DEIS to ensure that they are allocated adequate resources. [25350/06]

221. **Mr. Ring** asked the Minister for Education and Science if she will review the loss of disadvantage status post 2007 for a primary school (details supplied) in County Mayo based on revised figures submitted by the school. [25351/06]

222. **Mr. Ring** asked the Minister for Education and Science if she will review the loss of disadvantaged status to a cluster of schools (details supplied) in County Mayo in view of the negative effect this decision will have on the schools and the future educational development of their pupils; and if she will make a statement on the matter. [25352/06]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 216, 218 and 220 to 222, inclusive, together.

DEIS (Delivering Equality of Opportunity in Schools), the action plan for educational inclusion, provides for a standardised system for identifying levels of disadvantage and a new integrated School Support Programme (SSP). The School Support Programme will bring together, and build upon, a number of existing interventions in schools with a concentrated level of disadvantage. The process of identifying primary and second-level schools for participation in the SSP was managed by the Educational Research Centre (ERC) on behalf of my Department and supported by quality assurance work co-ordinated through the Department's regional offices and the Inspectorate.

As a result of the identification process, 840 schools were invited to participate in the SSP. These comprised 640 primary schools (320 urban/town schools and 320 rural schools) and 200 second-level schools. I am delighted to say that 833 of the schools invited to join the new programme accepted the invitation. Schools that did not qualify for the new programme will keep the extra resources they are getting under existing

schemes for the 2006/07 school year and after that they will continue to get support in line with the level of disadvantage among their pupils.

My Department is currently considering the arrangements to be made regarding the clustering of the 320 rural schools under the School Support Programme and other rural schools retaining their entitlements under previous programmes for 2006-07. Schools will be notified of the proposed arrangements in early September.

A review mechanism has been put in place to address the concerns of schools that did not qualify for inclusion in the School Support Programme but regard themselves as having a level of disadvantage which is of a scale sufficient to warrant their inclusion in the programme. The review process will operate under the direction of an independent person, charged with ensuring that all relevant identification processes and procedures were properly followed in the case of schools applying for a review. All the schools to which the Deputy refers have submitted review applications. The review process is currently underway and it is intended that it will be completed by the end of the current school year.

Schools Building Projects.

217. **Mr. Ring** asked the Minister for Education and Science when capital funding will be available for additional accommodation that is necessary at a primary school (details supplied) in County Mayo in view of the fact that they submitted the application five years ago and enrolment numbers have increased significantly since then; the position of this application; if the school's long term accommodation needs have been examined; if this school will be approved funding in the school building and modernisation programme 2005 to 2009; and when they can expect to receive approval for same. [25347/06]

Minister for Education and Science (Ms Hanafin): The school referred to by the Deputy has made an application for capital funding towards the provision of additional classroom and ancillary accommodation. My officials are nearing completion of an examination of the overall accommodation needs of the school in light of projected enrolments for the coming years and will be in contact with the school authority in this regard. As soon as this is finalised a decision will be made on the appropriate level of accommodation to be provided and the project will be considered in the context of the School Building and Modernisation programme 2006-2010.

Question No. 218 answered with Question No. 216.

219. **Mr. Ring** asked the Minister for Education and Science the position in relation to an extension to a secondary school (details supplied) in County Mayo; the stage it is at; when it is

expected to progress to the next stage; the action his Department is taking in relation to the health and safety risk at the moment at that school; and if she will make a statement on the matter. [25349/06]

Minister for Education and Science (Ms Hanafin): The building project for the school referred to by the Deputy is at an early stage of architectural planning. My Department is currently awaiting a revised Stage 1/2 submission to address issues raised at the Planning Development Meeting held between officials of My Department, the school and its Design Team on 12 June, 2006. Once the revised stage is received and the issues raised are addressed, my Department will be in a position to allow this project to progress to the next stage of architectural planning (Stage 3 Developed Sketch Scheme). The project will be allowed to progress up to and including Stage 5, the Bill of Quantities. This is the final stage before the invitation of tenders.

A decision on which school building projects will advance to tender and construction will be considered later in the year in the context of the School Building and Modernisation Programme 2006-2010. My Department has no record of having received an application to fund emergency works under health and safety. However, should such an application be submitted it will be reviewed as soon as possible and the school notified of the outcome.

Questions Nos. 220 to 222, inclusive, answered with Question No. 216.

School Transport.

223. **Cecilia Keaveney** asked the Minister for Education and Science the outcome of the review of the closed school rule; and if she will make a statement on the matter. [25353/06]

Minister of State at the Department of Education and Science (Miss de Valera): My Department is reviewing the closed school rule. This will involve consultation with relevant interested parties, having regard to other urgent priorities within the school transport area.

Schools Building Projects.

224. **Mr. Blaney** asked the Minister for Education and Science the progress which has been made regarding the application for an extension to a school (details supplied) in County Donegal since 4 April 2006; and if she will make a statement on the matter. [25375/06]

Minister for Education and Science (Ms Hanafin): The proposed extension project for the school referred to by the Deputy is at an early stage of architectural planning and is one of the 124 schools that I announced in April of 2005 to progress through the architectural planning pro-

[Ms Hanafin.]

cess. Following an increase in the long-term projected enrolments at the School, my Department's officials visited the School in question in February of this year and completed revised schedules of suggested future use of the existing along with a schedule of residual accommodation to take account of the increase.

The school authorities were subsequently requested to forward a revised Stage 1 report (site analysis and building options) to reflect the impact of the revised schedules in the design and to also look at the option of a new build. A revised Stage 1 has recently been received in my Department and when this has been examined my Officials will be in further contact with the School Authorities as to the next steps involved in progressing this project.

Special Educational Needs.

225. **Mr. N. O'Keeffe** asked the Minister for Education and Science if she will confirm that a special home tutor approved in respect of a child (details supplied) in County Cork under the special education scheme can continue work throughout the month of July; and if she will arrange to have payment issued in respect of this tutor on time as the parents are not in a position to meet the payment, which is made after every ten hour teaching period. [25379/06]

Minister for Education and Science (Ms Hanafin): I am pleased to advise the Deputy that my Department will write to the family in the coming days confirming sanction of a home tuition grant for a home based education programme during July. An application form for payment of the grant will accompany the letter. It will be a matter for the child's family to complete and return this form when the tuition is completed. The payment claim will be processed as quickly as possible following receipt.

School Management.

226. **Ms C. Murphy** asked the Minister for Education and Science if her attention has been drawn to the fact that a secondary school (details supplied) in County Kildare is demanding that parents pay a registration fee in order to secure a school place for their children in the forthcoming year and is withholding items such as book lists until the fee has been paid; if her attention has further been drawn to the fact that the same school is charging a fee for students who have elected to undertake a transition year and those without the capacity to pay this sum are not eligible to enrol in transition year; if such school policies are standard throughout schools funded by her Department; if, there are any instances where parents would be entitled to exemption from such fees; her views on the fact that such policies could be seen as infringing on the ability

of children to access free secondary school education; and if she will make a statement on the matter. [25380/06]

Minister for Education and Science (Ms Hanafin): It is a fundamental principle of the free post-primary education scheme that no charge is made in respect of: instruction in any subject of my Department's programme for secondary schools; recreation or study facilities where all the pupils are expected to avail themselves of these as part of the school programme; and any other activities in which all pupils are required to take part.

Schools are allowed to charge a booking fee when considering new applicants for enrolment, provided this is refundable following a decision on enrolment. Booking fees are sometimes required by schools in order to avoid "double booking" of pupils in schools which could result in the loss of teaching posts.

Voluntary contributions by parents or charges for optional extras over and above what is provided for in the general school programme are permissible under the scheme, provided it is made absolutely clear to parents that there is no question of compulsion to pay, and that in making a contribution, they are doing so of their own volition. I have asked my officials to contact the school authorities to clarify the nature of the transition year contribution.

School Accommodation.

227. **Mr. Crowe** asked the Minister for Education and Science if her attention has been drawn to the situation in a school (details supplied) in Dublin 24 in which the two prefabs have been found to be rat infested and have been deemed unfit by a health and safety official; and if she will make a statement on funding which may be allocated to the school in view of its plight. [25381/06]

Minister for Education and Science (Ms Hanafin): As outlined to the Deputy in my response to his Parliamentary Question dated 28 June 2006, the school to which he refers applied for additional accommodation to cater for increased enrolments. This application was refused on the grounds that my Department is satisfied that there is considerable spare capacity in neighbouring schools. My Department's main responsibility is to ensure that schools in an area can, between them, cater for all pupils seeking school places. While this may result in pupils not obtaining a place in the school of their first choice, this approach ensures that the use of existing accommodation is maximised and that the development and support of one school over others does not occur.

If there are problems with the standard of accommodation which might require replacement this is a different matter and my Department will

be in contact with the school about this issue. With regard to a leaking roof, my Department has not been appraised of this situation. The scope of the works, however, is appropriate for consideration under the summer works scheme. It is noted that the school has never made an application for funds under this scheme. The 2007 summer works scheme was recently published. The closing date for the receipt of applications is 29 September next. The governing circular letter and the application form are available on my Department's website www.education.ie.

Schools Building Projects.

228. **Ms Burton** asked the Minister for Education and Science the location of the proposed new second level school for Castaheany, Ongar and Littlepace; the specification of the site; the number of acres in the site; if the site has been acquired from the developers either by her Department or by Fingal County Council or by her Department and Fingal County Council jointly; when the school will be open; the number of students it is expected the school will accommodate; when will enrolments be provided for the school; and if she will make a statement on the matter. [25382/06]

Minister for Education and Science (Ms Hanafin): As the Deputy will be aware, my Department is planning the development of a new post primary school in Phibblestown to serve the growing population of the Dublin 15 area. It is intended to progress the provision of the school

as a design build project. My Department advertised in the Official Journal of the European Union for design build teams and the short-listing of these teams is currently being undertaken. A project manager has also been appointed to manage the delivery of this project.

It is intended that the school will cater for 1,000 pupils. It is not possible to say at this early stage when the new school will open, however the acquisition process for the site is at an advanced stage. Due to the commercial sensitivities of site acquisitions, I am not in a position to provide further details in relation to the site at this time.

School Enrolments.

229. **Ms Burton** asked the Minister for Education and Science the figures for the enrolment for each of the past three years for second level schools (details supplied) in the Dublin 15 area; the payments made in each of the past three years by her Department in respect of each of the schools for teachers and other staffing costs, for capitation or other assistance to the overall running of the school and capital expenditure for each school for each of the past three years; and if she will make a statement on the matter. [25383/06]

Minister for Education and Science (Ms Hanafin): The enrolments for the second levels schools referred to by the Deputy are as follows. The remainder of the information requested is not readily available but will be compiled and forwarded to the Deputy.

School Name	Year	Total Enrolled
Blakestown Community School (Roll Number 91316Q)	2002/03	648
	2003/04	545
	2004/05	540
Coolmine Community School (Roll Number 91315O)	2002/03	1,050
	2003/04	1,100
	2004/05	1,112
Castleknock Community College (Roll Number 76062B)	2002/03	1,080
	2003/04	1,133
	2004/05	1,144
Castleknock College (Roll No. 60100Q)	2002/03	560
	2003/04	578
	2004/05	575
Hartstown Community School (Roll No. 91339F)	2002/03	1,003
	2003/04	1,036
	2004/05	1,025
Riversdale Community School (Roll No. 70081V)	2002/03	481
	2003/04	434
	2004/05	452
Mount Sackville (Roll No. 60120W)	2002/03	635
	2003/04	627
	2004/05	630

230. **Ms Burton** asked the Minister for Education and Science her Department's policy in relation to second level school sizes and the maximum appropriate size for second level schools; if her Department has made approaches to schools (details supplied) with a view to increasing the number of pupils in each school; the position in relation to further growth in school numbers given the huge demand for second level school places in the Dublin 15 area; if her Department has commissioned work in relation to planning for second level school numbers in the Dublin 15 area in view of the growth of house building in the area and the growth in population; and if she will make a statement on the matter. [25384/06]

Minister for Education and Science (Ms Hanafin): In general my Department seeks to maximise the use of school sites at primary and post primary level to cater for demand presenting in any particular area. To this end, where site conditions allow and with the agreement of the trustees, post primary schools to cater for up to 1,000 pupils are provided in areas where the population profile justifies this level of accommodation.

The enrolment at the specific schools to which the Deputy refers slightly exceeds 1,000 pupils. No approach has been made by my Department to either of these schools regarding further expansion. With regard to post primary provision in the Dublin 15 area, the Deputy will be aware that plans for a new post primary school in the Phibblestown area are at an advanced stage and, in view of the expanding population, the provision of a further post primary school in the area is currently under consideration.

Vocational Education Committees.

231. **Mr. Ring** asked the Minister for Education and Science if she will instruct vocational educational committees to increase the child care grants to VTOS participants to a more realistic amount. [25392/06]

Minister of State at the Department of Education and Science (Miss de Valera): My Department provides funding to VECs to assist towards the child care expenses of participants in certain further education programmes in order to facilitate the enrolment on these programmes of people for whom they were designed but who had been unable to enrol on them because of child care responsibilities. These are the Vocational Training Opportunities Scheme (VTOS), Youthreach and Senior Traveller Training Centre programmes.

The amount of grant that each VEC receives is determined by reference to the numbers of students it has enrolled on these programmes and the total amount provided to the Department for this purpose. The administration and disbursement of these grants are matters for each VEC.

Students in the relevant programmes who feel entitled to such grants should apply to their VECs.

The funds provide for: direct provision of creche facilities in centres or in rented premises, including staff, equipment/refurbishment, rental, insurance and other overheads; the purchase of places in existing community or commercial creches (this is subject to payment of a maximum of €63.50 per week per child for a full-day session, with pro-rata adjustments for sessions of lesser duration); the payment of childminders, subject to a maximum of €63.50 per child per week for a full session, with pro-rata adjustments for part-time sessions.

The grant is intended as a contribution to costs. VECs determine the level of child care provision and have the discretion to bridge any gap between the Department's grant and actual costs they approve.

Physical Education Facilities.

232. **Mr. Lowry** asked the Minister for Education and Science if the application for a gymnasium from a school (details supplied) is in eighth position on the gym school building list. [25414/06]

Minister for Education and Science (Ms Hanafin): There is no separate gym school building list nor are projects assigned numbers on a list in the manner suggested by the Deputy. Applications for the provision of PE or sports facilities in schools are considered in the context of all other applications on hand for capital investment e.g. applications for new schools; refurbishment projects; extensions; new sites; remediation programmes. All applications are considered in the context of available resources and the published criteria for prioritising school building projects.

Schools Building Projects.

233. **Mr. Lowry** asked the Minister for Education and Science her views on correspondence (details supplied); if her officials will provide the school with direction as requested in respect of an application for major capital works; and if she will make a statement on the matter. [25415/06]

Minister for Education and Science (Ms Hanafin): An application for capital funding towards the provision of an extension has been received from the school referred to by the Deputy. The application has been assessed and the long term projected staffing, on which the accommodation needs will be based, has been determined and notified to the school authority. In order to determine how best to provide for the school's accommodation needs into the future, it will be necessary to have a technical assessment of existing buildings carried out by my Department. Officials from the school planning section,

who have recently met with the school authority, will be in further contact with the school authority in order to arrange a technical visit.

School Transport.

234. **Mr. Lowry** asked the Minister for Education and Science when a final response will issue from the school transport section to a person (details supplied). [25416/06]

Minister of State at the Department of Education and Science (Miss de Valera): My Department has requested the transport liaison officer for the relevant county to submit a report on the situation referred to by the Deputy. When the report is received and considered, my Department will be in touch with the family concerned.

Schools Building Projects.

235. **Mr. Walsh** asked the Minister for Education and Science if she will sanction the commencement of work on a gaelscoil (details supplied) in County Cork; and if she will make a statement on the matter. [25421/06]

Minister for Education and Science (Ms Hanafin): The school referred to by the Deputy has submitted an application to my Department for a new school. While a suitable site has been identified by the Property Management Section of the Office of Public Works, the acquisition is not yet finalised. Once the site has been acquired, the building project required to address the school's accommodation needs will be considered in the context of the School Building and Modernisation Programme 2006-2010.

Psychological Service.

236. **Mr. O'Shea** asked the Minister for Education and Science the proposals she has to provide 10 hours' special needs assistant support and four hours' resource teaching as recommended by the National Educational Psychological Service psychologist for persons (details supplied) in County Waterford; and if she will make a statement on the matter. [25422/06]

Minister for Education and Science (Ms Hanafin): As the Deputy is aware, the National Council for Special Education (NCSE) is now operational. A specific function of the NCSE, through its network of local special educational needs organisers (SENOs), is to identify appropriate educational placements for all children with special educational needs. The SENO is a focal point of contact for parents and schools. My officials have liaised with the NCSE in the context of the children in question and I can confirm that the local SENO is currently examining an application for special educational needs supports for the children. The SENO will convey a

decision on the application to the school authorities as soon as this process has been completed.

Cross-Border Education.

237. **Mr. Morgan** asked the Minister for Education and Science the number of children living here who attend primary school in the Six Counties, both overall and by county of residence; and the number of children living here who attend secondary school in the Six Counties. [25447/06]

Minister for Education and Science (Ms Hanafin): The details requested by the Deputy are not available in my Department.

238. **Mr. Morgan** asked the Minister for Education and Science the number of children living in the Six Counties who attend primary school here; and the number of children living in the Six Counties who attend secondary school here. [25448/06]

Minister for Education and Science (Ms Hanafin): Details of the number of children living in Northern Ireland who attend primary school in the Republic of Ireland are not available in my Department.

According to my Department's records, there are 56 students with addresses in Northern Ireland enrolled in secondary schools here.

School Accommodation.

239. **Mr. O'Connor** asked the Minister for Education and Science if she will confirm that consideration is being afforded to the application for additional accommodation at schools (details supplied) in Dublin 24; if her attention has been drawn to the challenges faced by the schools in respect of the international community in the school and the further housing developments in the area; and if she will make a statement on the matter. [25465/06]

Minister for Education and Science (Ms Hanafin): The school to which the Deputy refers made an application to my Department for additional accommodation for September 2006. However, this application was refused on the basis that my Department is satisfied that there is considerable spare capacity in neighbouring schools. My Department's main responsibility is to ensure that schools in an area can, between them, cater for all pupils seeking school places. While, this may result in pupils not obtaining a place in the school of their first choice, this approach ensures that the use of existing accommodation is maximised and that the development and support of one school over others does not occur.

Schools Provision.

240. **Mr. J. O’Keeffe** asked the Minister for Education and Science if there are proposals to review catchment boundaries taking into account the anomalies arising in the provision of school transport and otherwise, due to boundaries which were established over 40 years ago and which take no account of new schools and changes of demographic patterns. [25506/06]

Minister for Education and Science (Ms Hanafin): Catchment boundaries have their origins in the establishment of free post-primary education in the late 1960’s and were determined following consultation with local educational interests. For planning purposes the country was divided into geographic districts each with several primary schools feeding into a post-primary centre with one or more post-primary schools. The intention was and continues to be that these defined districts facilitate the orderly planning of school provision and accommodation needs.

A number of reviews have been carried out over the years where, for example, a new post-primary school is established in an area where previously there was none or, conversely, where a “sole provider” school closes due to declining enrolments. The Area Development Planning initiative, involving an extensive consultative process carried out by the Commission on School Accommodation, will also inform future revisions to catchment areas. An Area Development Plan takes account of demographic changes and projects future enrolments for existing schools and new schools if required. Catchment boundary changes will be made where the implementation of the recommendations in an Area Development Plan requires such adjustments. In the circumstances, I do not propose to have a general countrywide review of catchment boundaries.

Special Protection Areas.

241. **Mr. Lowry** asked the Minister for the Environment, Heritage and Local Government his plans to introduce special protection areas for hen harriers; the activities he intends to ban or regulate in proposed SPA areas; the estimates for expected compensation payouts to farmers affected in the areas; and if he will make a statement on the matter. [25443/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Under the EU Birds Directive, Ireland, like other Member States, is required to maintain the population of the Hen Harrier, and to designate Special Protection Areas (SPAs) as required for the species.

In 2002, based on the then available information, nine possible SPA catchments were identified for Hen Harriers in the State. Since then, my Department has thoroughly reviewed the research and information on the Hen Harrier, including the results of a second national survey

in 2005. Based on this work a significant reduction in the number and extent of SPAs is now envisaged.

In general, it is not anticipated that the designation of a site for Hen Harriers will have effects on existing farming, existing forestry, or other ongoing activities. Neither should designation of a Hen Harrier SPA result in any restrictions on future rural housing development, on the intensification of grassland management nor on the reseeded of rough grass fields in the area.

The main activities likely to require regulation would be land reclamation/habitat destruction; commercial turf extraction; scrub, gorse or hedge-row removal; and to intensive use of off-road vehicles, other than by farmers.

Any proposed windfarm developments will continue to be assessed through the planning process and planning authorities will assess each proposal on a case-by-case basis. I am today publishing Guidelines for planning authorities on wind energy development. These Guidelines point out there is huge potential to avoid or reduce negative environmental impacts, including those on the natural heritage, in designing wind energy projects.

Regarding the issue of further afforestation in the Hen Harrier SPAs, a Working Group of relevant interests both farming and forestry and my Department has been established to examine the issue with a view to developing a practical management regime for further forestry in the proposed SPAs.

Designation of SPAs does not, of itself, give rise to an entitlement to compensation. However Article 20 of the European Communities (Natural Habitats) Regulations 1997 provides that where consent to a specified operation or activity is refused the owner or occupier or user as the case may be paid by way of compensation, an amount equal to the loss suffered by the depreciation of an interest in the land to which he or she is entitled. In order to qualify for such compensation payments, it will generally be necessary to show that restrictions have been placed on activities which were practised for a period prior to the designation of the site in question. Compensation would be determined by reference to the predesignation and post-designation values of the land in question. The value of any amounts received under the Rural Environment Protection Scheme may also be taken into account in determining any compensation.

Local Authority Funding.

242. **Cecilia Keaveney** asked the Minister for the Environment, Heritage and Local Government the supports which are available to a local authority to enable communities in rural and urban settings to clean up their areas; and if he will make a statement on the matter. [25340/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Primary responsibility for developing and implementing responses to litter problems lies with local authorities. Each local authority determines its level of expenditure on individual local services, including assistance for clean-up operations, as part of its annual estimates process. Such expenditure is funded from a range of sources such as commercial rates, fees, charges and the general purpose grants from the Local Government Fund.

My Department provides financial support for a number of initiatives, which, inter alia, help foster local action against litter. These initiatives include The Irish Business Against Litter National Litter League, the Green Schools programme and the National Spring Clean campaign. In addition, my Department provides grants to local authorities for public education and awareness initiatives against litter.

Litter Pollution.

243. **Cecilia Keaveney** asked the Minister for the Environment, Heritage and Local Government the number of litter prosecutions which have been made in a county (details supplied). [25341/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Local authorities are responsible for enforcement of the Litter Pollution Acts 1997 to 2003 and submit data to my Department every six months on anti-litter enforcement action including the number of prosecutions taken. This data is available in the Oireachtas Library.

The most recent returns, in respect of the six months ending on 31 December 2005, show that in that period no prosecutions were taken for litter offences by local authorities in the county concerned.

Every opportunity will continue to be taken to urge local authorities to enforce the litter laws as rigorously as possible.

Water and Sewerage Schemes.

244. **Mr. O'Shea** asked the Minister for the Environment, Heritage and Local Government his proposals to progress the waste water treatment scheme for seven towns and villages in County Waterford (details supplied); and if he will make a statement on the matter. [25343/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The Waterford Grouped Towns and Villages Sewerage Scheme is included in my Department's Water Services Investment Programme 2005-2007 as a scheme to start construction next year at an estimated cost of almost €47 million.

Waterford County Council are advancing the scheme on the basis of there being separate contracts for the collection systems for each location and all wastewater treatment plants being procured under a single Design Build and Operate contract. I understand that the Council is currently preparing contract documents for all elements of the scheme and these will be dealt with as quickly as possible following receipt in my Department. However, I also understand that an application has been made to the Courts for a judicial review of the Part 8 planning approval for the Ardmore wastewater treatment plant element of the scheme. This issue will need to be resolved before this particular element of the project will be able to advance to the tender stage.

245. **Mr. Ring** asked the Minister for the Environment, Heritage and Local Government the position regarding a project (details supplied) in County Mayo; the stages that this project has gone through; when Mayo County Council made an application for funding; the position regarding the project; and when he expects that funding will be provided for same. [25356/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I refer to the reply to Question No. 259 of 22 March 2006.

Mayo County Council's Contract and Tender Documents for the scheme are being considered by my Department on foot of the additional information received from the Council in the meantime.

246. **Mr. Ring** asked the Minister for the Environment, Heritage and Local Government the position regarding a water scheme (details supplied) in County Mayo. [25357/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The Kilmaine and Shrule Water Supply Scheme is approved for construction in my Department's Water Services Investment Programme 2005-2007 at an estimated cost of €5.4 million.

Mayo County Council's Contract Documents for the scheme are being examined in my Department and are being dealt with as quickly as possible. Approval of the contract documents will allow the Council to proceed with the invitation of tenders.

247. **Mr. Ring** asked the Minister for the Environment, Heritage and Local Government the position with regard to a water scheme (details supplied) in County Mayo; the stage same is at; when the scheme will commence; if funding has been provided for it; and the expected completion date. [25358/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The extension of the Lough Mask Regional Water Supply

[Mr. Roche.]

Scheme from Shraah to Westport is approved for construction in my Department's Water Services Investment Programme 2005-2007 at an estimated cost of almost €13m.

Further consideration will be given to Mayo County Council's Contract Documents for the scheme on receipt of information recently requested from the Council. Approval of the Contract Documents will allow the Council to proceed with the invitation of tenders.

Animal Welfare.

248. **Mr. Gormley** asked the Minister for the Environment, Heritage and Local Government the conditions that circuses are required to meet before being given permission to open here, with special reference to the circumstances under which the animals are kept; and if he will make a statement on the matter. [25359/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): My Department has no function in relation to the granting of permission for the opening of circuses. Issues of animal welfare are covered by the Protection of Animal Acts, which are the responsibility of the Minister for Agriculture and Food.

249. **Mr. Ring** asked the Minister for the Environment, Heritage and Local Government the position regarding a project (details supplied) in County Mayo; the stage this project is at; the funding which has been allocated to same to date; the estimated funding to complete the project; and when it is expected that this matter will be complete. [25360/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I refer to the reply to Question No. 611 of 30 May 2006. The additional information requested from the Council in respect of the Belmullet Sewerage Scheme is awaited in my Department.

250. **Mr. Ring** asked the Minister for the Environment, Heritage and Local Government the position regarding a project (details supplied) in County Mayo; the stage same is at; the breakdown of each stage to date; and when this project will commence construction. [25361/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I refer to the reply to Question No. 180 of 27 April 2006. Additional information submitted by Mayo County Council in the meantime is being examined in my Department and a response will issue to the Council as soon as possible.

251. **Mr. Ring** asked the Minister for the Environment, Heritage and Local Government if he will sanction funding for an extension to a sewer-

age scheme (details supplied) in County Mayo. [25362/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I refer to the reply to Question No. 990 of 25 April 2006.

National Parks.

252. **Mr. Ring** asked the Minister for the Environment, Heritage and Local Government the stage of a project (details supplied) in County Mayo; when the construction phase will commence; and when he expects the centre to open. [25363/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Some €3.81 million has been allocated by my Department under the National Development Plan 2000-2006 for the construction of a new Visitor Centre to serve Ballycroy National Park, County Mayo, and a site has been acquired in the village of Ballycroy. Planning permission had been obtained by the Office of Public Works for the construction of the Centre. As it was not possible to proceed with the access envisaged in the original planning application, a revised planning application for an alternative site entrance through my Department's lands was recently submitted to Mayo County Council. The Office of Public Works have completed the pre-qualification process for the tendering of building, mechanical and electrical works and are in a position to advance the tendering process assuming a favourable decision on the revised planning application.

Local Authority Funding.

253. **Mr. Lowry** asked the Minister for the Environment, Heritage and Local Government if he will reconsider his decision not to provide North and South Tipperary County Councils with additional funds to recruit additional staff to enable them to meet the increasing demands placed on them by the rising number of planning applications; and if he will make a statement on the matter. [25405/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I refer to the reply to Question Nos. 955 and 957 of 25 April 2006. The position is unchanged.

Planning Issues.

254. **Mr. Gilmore** asked the Minister for the Environment, Heritage and Local Government the number of third party planning submissions or observations made in each planning authority for each year since 2000; and if he will make a statement on the matter. [25406/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The information requested is not available in my Department.

Water and Sewerage Schemes.

255. **Mr. Aylward** asked the Minister for the Environment, Heritage and Local Government if he will make funding available for a sewerage scheme (details supplied) in County Kilkenny. [25407/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The Freshford/Johnstown/Goresbridge Sewerage Scheme is included in my Department's Water Service Investment Programme 2005-2007 as a scheme to advance through planning at an estimated cost of €3.2 million. My Department is awaiting a Preliminary Report for the scheme from Kilkenny County Council.

Telecommunications Services.

256. **Mr. Stanton** asked the Minister for the Environment, Heritage and Local Government the guidelines or regulations that he has issued or intends to issue regarding erection of mobile telecommunication masts and the siting of antenna on these masts; and if he will make a statement on the matter. [25431/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): In July 1996 my Department issued Guidelines for Planning Authorities on Telecommunications Antennae and Support Structures. Their purpose was to assist planning authorities, An Bord Pleanála, operators of mobile telecommunications services and the general public by providing guidance on dealing with telecommunications masts and base stations within the planning system. The Oireachtas Joint Committee on Communications, Marine and Natural Resources reported in June 2005 on Non-ionising radiation from mobile phone handsets and masts. The Report made 11 recommendations, including a recommendation that planning guidelines and planning exemptions be examined with a view to ensuring that no equipment emitting electromagnetic or radio frequency emissions should be permitted to be sited near health centres, schools or other sensitive sites such as playgrounds or pitches etc. Following the report of the Joint Committee, the Government, in September 2005, approved the establishment of an inter-departmental advisory committee and an expert group, working to the committee, on the health effects of electromagnetic fields. The committee, on which my Department is represented, will provide advice to the Government on the appropriate action to be taken on foot of the recommendations contained in the report. The work of the committee and expert group is in train and I understand that the

committee expects to report to the Government before the end of 2006. In the interim, it is not proposed to amend the current Guidelines for Planning Authorities on Telecommunications Antennae and Support Structures.

Local Authority Funding.

257. **Mr. Ring** asked the Minister for the Environment, Heritage and Local Government if he will contact the individual local authorities in relation to Question No. 524 of 20 June 2006 in order that this question will be answered and the information supplied directly to this Deputy. [25432/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): As indicated in reply to Question 524 of 20 June 2006, this information is not co-ordinated centrally nor is it proposed to commit the resources of my Department and local authorities to this purpose.

Water and Sewerage Schemes.

258. **Cecilia Keaveney** asked the Minister for the Environment, Heritage and Local Government the position in relation to a sewerage scheme (details supplied) in County Donegal; and if he will make a statement on the matter. [25433/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The Malin Town Sewerage Scheme has been approved for funding in my Department's Water Services Investment Programme 2005-2007 under the Rural Towns and Villages Initiative at an estimated cost of €1.6 million. My Department approved the Preliminary Report for this scheme in June 2004, subject to a review by Donegal County Council of the proposed phasing of the scheme and of the Water Pricing Policy Report. The review has been satisfactorily completed and, in accordance with the new streamlined procurement procedures for schemes costing up to €5 million, the Council may now proceed to tender and construction without further reference to my Department.

259. **Mr. Lowry** asked the Minister for the Environment, Heritage and Local Government the reason for the lack of progress with the County Tipperary North-West Regional Water Supply Scheme; if his attention has been drawn to the fact that all planning applications and housing developments are stalled as a result; if he will expedite the project funding application through the various stages within his Department; and if he will make a statement on the matter. [25434/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The Tipperary North West Regional Water Supply Scheme is

[Mr. Roche.]

included in my Department's Water Services Investment Programme 2005-2007 as a scheme to commence construction in 2007 at an estimated cost of €15.3 million. My Department approved North Tipperary County Council's brief for the appointment of consultants to prepare a Preliminary Report for the scheme in June 2005. Revised proposals from the Council in relation to the consultants' fees and the planning stage budget for the scheme were submitted by the Council last month and are being dealt with as quickly as possible in my Department.

Planning Issues.

260. **Mr. Lowry** asked the Minister for the Environment, Heritage and Local Government the status of applications with his Department (details supplied); when he expects the project to begin; if the project will be completed before 2007 as planned; if swift approval will be given for all stages of the project; and if he will make a statement on the matter. [25435/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The information requested is being compiled and will be forwarded to the Deputy as soon as possible.

Rental Accommodation Scheme.

261. **Mr. P. McGrath** asked the Minister for the Environment, Heritage and Local Government the number of applicants accommodated under the long-term accommodation initiative for rent supplement tenants by county in 2004, 2005 and to date in 2006; if this scheme is proving beneficial to both the State and the tenants; the savings to the State from the reduction in rent supplement payments for these same time periods; and if he will make a statement on the matter. [25463/06]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): The key objectives of the Rental Accommodation Scheme (RAS) are to eliminate dependence on SWA rent supplement scheme by persons assessed as needing housing assistance on a long term basis; enhance the response of local authorities in meeting long-term housing need; provide an additional source of good quality accommodation for eligible persons and potentially provide more effective utilisation of resources for housing assistance. The initial project to transfer rent supplement recipients of 18 months or more continuous duration is due to be completed by the end of 2008.

Good progress has been made in setting up the management and financial systems, legal forms

and administrative arrangements for the implementation of the scheme. Roll out commenced in an initial group of lead authorities in 2005 and the first transfers to the scheme were made in September of that year. The authorities now actively operating the scheme cover over 85% of the transferable cases and from mid-year it is expected that all authorities will have commenced work on the scheme. All of the relevant agencies are co-operating actively to ensure that by the end of 2006, effectively the first year of operation, 5,000 households will have transferred.

I am satisfied at this early stage that good progress is being made in meeting all the objectives for the Rental Accommodation Scheme including making savings where these can be achieved. In terms of achieving the objectives of the scheme, the indications from local authorities have been positive to date with over 1,200 cases transferred to RAS accommodation. A further 770 households who were recipients of Rent Supplement have been provided with local authority housing. A breakdown of the number of transfers to date by county from Rent Supplement to RAS is provided in the table below. A full review of the operation of the scheme, including an assessment of the financial costs and benefits, will be undertaken before the end of the implementation period in 2008. Initial indications are that there have been savings on rents on about a third of the transfers to private accommodation to date. The following table outlines the Number of Rent Supplement Cases transferred to the Rental Accommodation Scheme — it should be noted that Transfers from Rent Supplement to the Rental Accommodation Scheme commenced in 2005 — in 2004, 2005 and 2006 to the end of May, by county:

County	Cases transferred in 2005	Cases transferred in 2006	Total number of cases transferred
Clare	44	3	47
Cork	50	142	192
Donegal	53	4	57
Dublin	225	171	396
Galway	62	33	95
Kilkenny	0	70	70
Limerick	42	1	43
Louth	15	8	23
Monaghan	0	19	19
Tipperary	0	43	43
Offaly	6	28	34
Waterford	0	160	160
Westmeath	8	23	31
Totals	505	705	1,210